NARRATIVE

OF THE

OPPRESSIVE LAW PROCEEDINGS,

AND OTHER MEASURES,

RESORTED TO

BY THE BRITISH GOVERNMENT,

AND NUMEROUS PRIVATE INDIVIDUALS,

TO OVERPOWER THE EARL OF STIRLING, AND SUBVERT HIS LAWFUL RIGHTS.

WRITTEN BY HIMSELF.

ALSO

A GENEALOGICAL ACCOUNT

OF THE

FAMILY OF ALEXANDER, EARLS OF STIRLING, &c.

COMPILED FROM MSS. IN THE POSSESSION OF THE FAMILY:

FOLLOWED BY

AN HISTORICAL VIEW OF THEIR HEREDITARY POSSESSIONS IN NOVA SCOTIA, CANADA, &c.

BY EPHRAIM LOCKHART, Esq.

WITH A COPIOUS APPENDIX OF ROYAL CHARTERS AND OTHER DOCUMENTS.

"*Rien n'est beau que le vrai.*"

EDINBURGH.

MDCCCXXXVI.

James Walker, Printer,
6. James's Court, Lawnmarket,
Edinburgh.

TO THE KING.

SIRE,

Could I have obtained permission to inscribe this Volume to Your Majesty, my satisfaction would have been complete; but although deprived of my most valued privilege of Peerage, and still debarred, by the measures which were a few years since adopted in my case, from approaching your Royal Person to solicit a favour I should have so highly prized, yet I trust there can be no impropriety in thus humbly addressing Your Majesty.

In these times, it is one of the first duties of your loyal and faithful subjects to watch anxiously the progress of events, and to be always ready, should Your Majesty require their services.

My family have never at any period forgotten the bright example of fidelity to his Royal Master which was left them by the Founder of their honours, Sir William Alexander, who was not less steady in his allegiance, than he was bold, enterprising, and splendid in all his undertakings for the service of his Sovereign and the benefit of his Country. Although descending from a younger Son of that eminent man, and less favoured by fortune than an immediate elder branch, my predecessors were all distinguished for loyalty, and the practice of those virtues which invariably secure respect and honour in society.

Proud of the high integrity and great qualities of the heart and mind which my forefathers possessed, I have more sensibly and acutely felt the repeated attempts, during several years, to make me appear unworthy of representing them and succeeding to their honours.

Not content with denying me access to Your Royal Presence, and refusing even to consider my claims, Your Majesty's Government, on commencing proceedings in the Supreme Court of Scotland, thought proper to impugn some of the documents produced by me in support of my right, and thus drove me to the extremity of having to defend myself against an accusation deeply affecting my honour and reputation, and which nothing whatever could possibly justify them in risking.

Since the following Narrative was written, I have received information of the entire failure of the calumnious charge; and notwithstanding the pains taken to give it consistence, the fact that they are genuine instruments has been only more completely established.

Under these circumstances, I am sure Your Majesty will consider that public justice alone, apart from higher and nobler motives, which I hope may have their influence on such an occasion, requires that full compensation should be made for the grievous injury sought to be inflicted on me and my unoffending family.

With such anticipations, I humbly lay my Case, and the Narrative of my wrongs, before Your Majesty, and pray that it may be permitted to me to prove how much and truly I am,

SIRE,

Your Majesty's

Most loyal, most faithful

And devoted Subject,

STIRLING.

PREFACE.

The following Work was nearly ready for the press several months ago, but in consequence of discoveries of the greatest importance, by which most valuable additions have been very opportunely made to the mass of evidence previously supporting my right, it became desirable, and indeed necessary to revise what I had written. During the suspension of publication, there was also a chance of obtaining a final hearing of my cause in the Court of Session, and while that chance remained, I was unwilling to put my manuscript into the printer's hands. So much, however, had to be done for the perfect verification of the newly found evidence, that when my counsel would have been quite prepared to plead, we had arrived at the last week of term. Besides, my opponents, who are never ready for any thing better than subterfuges or disgraceful means of protracting litigation, came into Court with a specious pretext for a little more time. The learned Judge, I presume, did not consider that he ought to refuse granting the delay sought by the Crown party, and thus the judicial hearing of my cause cannot take place before November.

It may be thought extraordinary that I should prefer laying my case before the public in its present state, to waiting the result of proceedings in Court next term; but to all such remarks and objections I have to reply, that the opinion of my most experienced and influential friends so entirely corresponds with my own, as to the propriety of the course I am pursuing, that nothing will at present induce me to deviate from it. The circumstances under which this determination is taken are unprecedented; and as no one can possibly form a correct notion of them, or of the just and honourable motives which have urged my friends to advise me as they have done, at this important juncture, I must content myself with entreating those who may draw hasty conclusions, to honour my work with a calm, attentive and unbiassed perusal.

My friends anticipate, I think not without reason, that abroad readers will be found, who, having no party feeling—no bias, or prejudice of any kind

—no private excitement to hostility—will attend to facts, and endeavour to understand so remarkable a case. They attribute the contrary effect produced in England and Scotland, chiefly to the former circulation of pamphlets on the subject, which contained much that was objectionable, and that was only calculated to do me injury; while, on the other hand, my enemies kept alive the party spirit and groundless prejudices they had created, and made their baneful influences operate as strongly as possible against me. Hitherto, indeed, those classes of my countrymen from whom I expected generous sympathy and support, instead of using their own faculties and perceptions to distinguish between right and wrong, so as to form a correct judgment of my case and grievances, have given unbounded latitude to the despicable falsehoods and aspersions hazarded by my enemies. Out of the range of national prejudices, partialities, jealousies, and animosities, I may hope that the voice of *truth* raised in my vindication, will not be overpowered by the loud vituperations of my calumniators.

On the above grounds, and agreeably to the recommendation of highly talented foreigners, who have recently had my case fully explained to them, and from whom I have received many suggestions of the greatest use to me, this work will appear both in the English and French languages. The distinguished persons alluded to will make my extraordinary situation known, by means of the French edition, in various countries of the European Continent, and with the assistance of my English friends, I am certain of an equal publicity in British America and the United States, as in Great Britain.

If any accuse me of presumption in appealing to the honourable and high-minded of other nations, I reply, that the Narrative I venture to lay before *them* is as novel as it is interesting and extraordinary; and besides, who can justly tax me with presumption, when the private interests of numerous families, companies, and individuals, are as seriously injured by the conduct of my oppressors as my own? Am I not rather called upon by that single fact, to attend to the suggestions of the able advisers who have assisted my own judgment on such an occasion? I dare flatter myself that foreign readers will rise from the perusal of this Work with every disposition to acknowledge that a case of greater hardship, or one reflecting more disgrace on my English persecutors, their satellites, and accessories of every grade, never came under their consideration.

Bath, *August* 1836.

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NARRATIVE

OF

OPPRESSIVE PROCEEDINGS AGAINST THE EARL OF STIRLING.

SECTION I.

SHORT HISTORICAL AND GENEALOGICAL ACCOUNT OF THE STIRLING PEERAGE.

The time has at length arrived when it is no longer possible to delay the publication of my case, with such explanations and disclosures as will clear away the mist in which it has been too long partially enveloped. In doing this, I shall cast back upon my calumniators all the obloquy with which they would have covered, as with a shroud, my honour and good name. Heaven is witness how many years I have endured the most infamous treatment, and what numberless provocations, equally trying to my temper and oppressive to my feelings, I have, during that long space of time, received. Yet, while "*considerations of expediency*" were urged by timid advisers, and my own natural aversion to extreme measures prevailed, I endeavoured to forget that my enemies themselves, in the course of their relentless persecutions, had furnished me with legitimate means of defence and retaliation. But there are limits to such passive endurance of evils; and since among those who have heaped so many calamities upon me and my unoffending family, especially during the last four or five years, there are some so implacable as to set no bounds to their malignity, it is indeed high time for me to shake off my trammels. I must see whether, by boldly exposing the villany and dark intrigues of my enemies, it is possible to open the eyes of the British public, who are not wilfully blind, to the existence of the foulest conspiracy against an individual that ever disgraced this country.

I am aware how difficult it has ever been to draw public attention to private wrongs. Frequently, unless there be an opportunity of advancing some political object, no exertions will succeed. At other times, it may depend on being able to gratify the

ostentation and vanity of a few leading families, who at that price will interfere in favour of the oppressed. But the surest and best support is always derived from persons possessing, with title, wealth and influence, generous and enlightened minds, and determined to strengthen the otherwise feeble efforts of the sufferer, by taking up his defence.

Thanks to Providence, by whose means a present misfortune is frequently made to be productive of the greatest ultimate good, certain proceedings in Scotland, which were resorted to at the beginning of this year by my bitterest private enemies, in the hope of effecting my destruction, have been wonderfully conducive to my advantage. I wish those malignant beings, and the arch-traitor with whom they are leagued, to know how much, without intending it, they have served me. One of the happiest consequences of their schemes is, that chance has led me where I have found new friends, who have both the will and the power to render me assistance by their influential connexions. Another advantage is, that I have already had one most important document given up to me, and through the kindness of a person highly gifted, and accustomed to research, have traced the existence of another proof long withheld, and that will be of inestimable benefit to me. So much I have pleasure in stating, because I can safely do so; but I have no intention of gratifying the curiosity of the evil-minded. No, *they* may wait till time shall unravel, for their instruction, what, I trust, will make them wish to avoid hereafter an over-indulgence in wicked and unjustifiable persecution. Meanwhile, however, they may rest assured, that I feel both the confidence and the energy which my situation requires, and which are always increased by undeviating rectitude of conduct, and a good cause.

Agreeably to the suggestions of the highly distinguished friends who have offered me their services, this work will be published in French as well as English; and I am encouraged to believe that it will obtain, by their kindness and zeal, an extensive circulation in Europe and America. Should that be the case, I may venture to hope, that the clouds which have so long obscured my prospects will be entirely dispersed, and that all whose prejudices have been excited against me, by calumnies or false assertions respecting my evidence and proceedings in Scotland, will see and acknowledge their error. My English readers especially, having once dismissed the erroneous opinions they have formed under such circumstances, will have no difficulty in admitting that they had drawn their conclusions as to the merits of my case too hastily, and without having any just reason for undervaluing it. To numerous classes of his Majesty's subjects, but, in particular, those who are connected by their commercial establishments, by their possessions in land, and otherwise, with Canada and Nova Scotia, and to the Canadians themselves, *at this crisis of political fermentation*, my case ought to be most interesting. Their happiness, prosperity, and secure enjoyment of property and life, now endangered by the violence of parties there, might be protected, and a separation of the provinces from the mother country be obviated, if my hereditary rights were acknowledged,

and an opportunity given me of using the powers granted by the royal charters. Instead of disregarding my claims, it would be for their welfare and interest to join their strenuous advocacy of them to my own best exertions. Let it not be supposed that I hazard these assertions without having sufficiently reflected on a subject of such vast importance. I do not merely wish thereby to add weight to my pretensions. Gentlemen who are better able to give an opinion than I am, have deliberately arrived at the fullest conviction, that a revolution in Canada, and all the sad consequences of a civil war, or, as no doubt it would be, a war of independence, might be stayed, and ultimately prevented altogether, by the Government determining to avail themselves of the entire alteration of circumstances, which an immediate acknowledgment of my rights would occasion. Placed in a situation to effect, as his Majesty's lieutenant, and the lawful proprietor of the soil, some salutary changes in the institutions of that country, I could effect them by the full authority given to me in the charters, in a manner calculated to meet both the wishes of the Canadians and those of his Majesty's Government.

I am quite prepared for the sort of answer that persons in the interest of Government, or of my private enemies, are likely to return to the above remarks; but I boldly tell *them*, that whatever they may be pleased to think or say respecting my claims, as those claims are supported by all necessary evidence, and ample proof is given, in subsequent divisions of this work, of my just hereditary right to be put in possession of the American territories, and of the dignities and powers which would enable me to realise what has been hinted at above, I shall not the less confidently rely on the march of events, and the force of public opinion, to obtain me the justice I demand.

But before entering further into detail, let me shortly explain to the reader on what foundation I rest my pretensions to be received by his Majesty as being both *de facto* and *de jure* Earl of Stirling;—why I loudly complain of the advice given to the King *not* to admit me in that character at Court;—and why I have no scruple in declaring that I have been unjustly and unlawfully denied the enjoyment of my rights and privileges of peerage. Such denial must have been a *consequence of the general misunderstanding of the position in which I have been placed*, and of the unconsidered opposition to the recognition of my titles, which I have met with from noble Lords and others, who might have been expected to see differences, and to make fair and necessary distinctions.

I boldly take my stand as an *established Peer of Scotland*, and am certain this position is unassailable according to *law*, *usage*, or *precedent*. This will appear more clearly from the following short historical view of the case.

Rather more than 200 years ago, his Majesty, King Charles the First, was pleased to raise my great-great-great-grandfather, Sir William Alexander, to the dignities of Viscount and Earl of Stirling, &c. on the 14th of June 1633; and by a royal signature, dated 30th July 1637, and ratified by Parliament 5th October 1639, (Acts, v. 273,) the

King incorporated the lands of Tullibodie and Tullicultrie, on the Earl's resignation of them for that purpose, into the Earldom of Dovan, with different limitations *. Further, on the 7th December 1639, the Earl, having previously resigned all his titles into the hands of the King, obtained a charter of novodamus, re-granting the same to himself, " and " the heirs-male of his body; whom failing, to the eldest heirs-female, without division " of the last of such heirs-male, and to the heirs-male to be procreated of the bodies of " such heirs-female respectively, bearing the surname and arms of the family of Alex- " ander, which they shall be holden and bound to assume," &c.

Although this important charter does not appear at the present day in the Register of the Great Seal of Scotland, *the evidence respecting it is complete;* and besides, it has recently been ascertained, that duly authenticated copies are still extant, which have been all these years purposely withheld by the persons who have them in their keeping. I shall not satify my enemies, at a time when such explanations are unnecessary, how or where I made a discovery which I reserve to be hereafter rendered available. For my friends it is quite sufficient to know, that, *independently of such discovery, I am secure.* Independently also of the consideration that the groundwork is certainly good, I am able to shew, as it is now my chief object to do, that I cannot be, by any *fair* and *lawful* means, dislodged from my position. And for this purpose, I shall begin by taking a short historical and genealogical view of the descent of the peerage dignity in my own branch of the family.

Referring to the pedigree which accompanies this work, it will be seen that Henry, fifth Earl of Stirling, died without issue on the 4th of December 1739, when he was succeeded by his second cousin, John, the sixth Earl, (whose succession to the honours, though he did not vote at elections of Representative Peers, there is evidence to shew, was well known in Scotland); and from that period the peerage inheritance being vested in his descendants, devolved, on the demise of Benjamin, the eighth Earl, and last heir-male of the body of William, the first Earl, according to the special limitation of the charter, on his eldest sister Mary, who, dying unmarried 28th April 1794, was succeeded by her sister Hannah, my mother, at whose death, on the 12th of September 1814, I became ninth Earl of Stirling.

Thus, it appears that, since the year 1739, the titles have been possessed by the same line of descendants from John, fourth son of the first grantee. From April 1768 till September 1814, a period of forty-six years and nearly five months, they were in female heirs; which circumstance, added to the loss of property, and other reasons which my family had for permitting the titles to remain some time in a state of dormancy, must sufficiently account for the non-appearance of an Earl of Stirling at the elections of

* I obtained a service to this territorial earldom on the 30th of May 1831; when the jury, by their verdict, found me to be " nearest and lawful heir of tailzie and provision " to William, the first Earl.

Scotch Representative Peers, until I was advised to attend at the election of Viscount Strathallan, on the 2d of June 1825. But my family possessed the honours, and certainly were not unmindful of their rights. After the death of my mother, last Countess of Stirling, in 1814, I employed all the time I could spare from other occupations, during ten years, in the duty of again collecting the scattered papers of my family, and the necessary evidences of my descent; and when success had rewarded my exertions in that pursuit, I proceeded, strictly speaking, *not as a claimant*, (according to the too generally received, but most erroneous notion of the public,) but *as the actual possessor of the Earldom*, to vote, as above mentioned, at Lord Strathallan's election. I announced my intention of being present on that occasion some weeks previously thereto. I stated my case to that very learned, and well-known barrister, Mr (now Baron) Bolland, who gave his opinion that I was entitled to the inheritance of the peerage honours, which of course vested me with a right to exercise its privileges.

Upon that opinion, which my anxiety to do right in a matter of such moment had induced me to solicit from him, *specially as to the propriety of taking up the titles, and going to Edinburgh to exercise my privileges of peerage at the election then approaching, and in which he recommended me to pursue that course*,—and likewise upon the representation made to me by my agent, whose arguments appeared the more satisfactory to my mind, from the knowledge I had of his experience as a genealogist, I acted with the greatest confidence.

When I began my investigations in 1815, on my return from a twelve years' absence in France, (eleven of which as an English hostage,) it was without having money resources adequate to so great an undertaking *. I had the misfortune to be almost immediately opposed in my endeavours to recover the various documents, evidences, and proofs of descent, which had been abstracted from my grandmother by bribing a servant; and, instead of obtaining, as I had flattered myself I should obtain, the generous assistance, in my researches, of certain noble and powerful families who could well have rendered it, much to their own advantage, I found them hostile, and only disposed to throw every impediment in my way. Amidst such unexpected difficulties, and, indeed, trials of all kinds, I however persevered, until, in 1825, I was advised, as I have said, both by counsel, and by the agent I had for some time employed, to take up at once the peerage titles of my family, and vote at the election of a Representative Peer. I took that decisive and important step, believing it to be the most proper and regular way of

* The wealth which my father had once possessed was in part swept away by the disasters which his bankers and others, who had large sums belonging to him, at Paris and in the departments of France, met with during the first great revolution. What he had remaining, in houses and estates in England, was subsequently carried off, in a great measure, by the consequences of his own detention and unhappy demise at Verdun-sur-Meuse, without having been able to settle his affairs.

commencing the public assertion of my rights. But this was precisely the most serious blunder, according to the opinion since expressed by my best friends, that I could have committed. It was beginning where I should have ended. My inexperience at the time did not enable me to foresee all the disastrous consequences of thus stirring up, before I had established my legal titles, a host of foes, and giving to the jarring elements of so many adverse interests excitement to oppose me. I dreamt not of the rage, the spite, the envy, the jealousy, the deadly hate, the accursed villany and dark intrigues that I was so unconsciously preparing, by my well-intentioned boldness, to have set at work against me.

What is past, however, cannot be recalled ; and as the course I did pursue alters not the correctness of the position I have to maintain, I hasten to resume my Narrative.

When I arrived in Edinburgh, the particulars of my descent, and the fact that I did not appear there in the character of a claimant, or as the representative of General William Alexander, (the usurper of my titles in 1760,) against whose heir certain resolutions of the House of Lords would have operated, having been clearly explained to the Peers who had arrived to attend the election, I was congratulated on my *resumption* (not *assumption)* of the ancient title. I was received at Holyroodhouse by the proper officers, on the election day, *as a Peer*, and was immediately ushered into the private room, to wait there, with the other Peers, the time for proceeding to the gallery. When the Lord Provost and Magistrates entered to announce that all was ready for forming the procession to the gallery, the Earl of Glasgow stepped forward and gave the strongest proof of his own feelings, as well as of those by which the other Peers present were animated, by requesting that I would take the precedency as the premier, by the date of creation of my Earldom, amongst those assembled. I have thought it right to notice this incident, as proving the fact, often attempted to be denied, that I was recognised by the Peers present on that memorable day, even *before* I had entered the election gallery, or had exercised my privilege of voting. I took my place at the table, and on being called, answered to my title, took the oaths, and voted for Viscount Strathallan, without protest or objection of any sort.

Since that period I have repeatedly voted at general elections, (the last time on the 10th of February 1835,) and in spite of some opposition from his Grace the Duke of Buccleuch, and the Earl of Lauderdale, my votes have always been received and counted.

It is particularly necessary to be understood, that I have also done every act required by the law and usages of Scotland, to establish myself in my peerage character. In those respects, though a lineal heir, and succeeding my mother, I strictly followed the example set, before my time, by numerous other existing Peers, or their predecessors, on succeeding to their titles, and who never went to the House of Lords for confirmation of dignity. The noble Lords to whom I allude were, it is believed, without a single

exception, (and there are nearly twenty who come into the list,) *collateral* heirs; some of them, indeed, very distant collaterals. But it is a mistaken idea that is at present entertained by a majority of the public, both in England and Scotland, that either *lineal* or *collateral* heirs of Scottish peerages are bound to prove their right before the House of Lords *. Very numerous instances could be adduced, to shew that even collaterals, *except in the instance of a competition for the title*, or *when the descent of the heir was extremely doubtful*, never took such a step, or thought of doing so. They took up their title, obtained services of heirship, and exercised their privilege of voting at elections, but did *not* apply to a committee of privileges to sanction what fell upon them in the course of descent. I had the superior advantage of succeeding as a *lineal* heir to my family honours. Four different juries of my countrymen have, by their verdicts, established the fact, that I am the lawful and only heir entitled to the honours of my family. I succeeded as the son of a Peeress, the grandson and nephew of Peers. My title stands uncontaminated upon the Great Roll; and it is well to remark, that in a "return to an order of the Right Honourable the Lords Spiritual and Temporal, in "Parliament assembled," of the 23d of August 1831, requiring "that there be laid "before this House a copy of the Union Roll of the Peerage of Scotland, and a List of "all those *Peers* who voted at all general elections since the year 1800, distinguishing "each election," which was ordered to be printed 5th September 1831, my name appears in the lists for 1830 and 1831; on which occasions, as well as others preceding and subsequent thereto, I voted without protest: I say with perfect truth, *without protest;* for both protests of the Duke of Buccleuch, and one by the Earl of Lauderdale in 1831, were against the officiating clerks at the Peers' elections, *not direct protests against myself.* On the last occasion of the Duke's offering me so very unmeaning and useless a proof of his sentiments and hostility, I not only answered, but counter-protested against the reception of his Grace's vote; and I am advised that a similar course would be the proper one for me to adopt at any future election, if such protest should be repeated.

I cannot, however, suppose that the Duke of Buccleuch, or any other Scotch Peer, would persist in this kind of opposition. It is so inapplicable to my case, that it certainly must have been recurred to heretofore from a misconception of the real circumstances attending it. In the lofty station of the peerage, it cannot be imagined that any would put themselves forward in such a way from mere private considerations, or

* Not wishing to be thought presumptuous in hazarding authoritatively such an assertion as the above, I beg leave to refer any readers who would like to satisfy themselves on the subject, to "A Disquisition on the "Right of Jurisdiction in Peerage Successions, particularly the Peerage of Scotland," published by Ridgway, Piccadilly, 1830.

to gratify others' malice; for were that the fact, what would such opposition amount to? Would it be any thing better than useless annoyance, offered at the instigation of a hidden enemy, who wished to wound my feelings and to inflict an injury? I have no desire to injure the noble Lords who have made me the object of their attacks; nor should I have animadverted on their past conduct towards me, but in self-defence, and because it certainly is now required to shew the public what has been the true nature of the opposition I have met with. Every man of sense—every impartial and unprejudiced Englishman—will at once admit that I ought to have *fair play*,—that I ought not to be singled out for persecution, insult, and denial of right, when it is unquestionable that I have done as much as any of the Scotch Peers to whom allusion has been already made, and infinitely more than several amongst them, to shew and establish my right to the peerage. They have long enjoyed their titles and privileges unchallenged either by Scotch or English authorities; and pray, why am I denied the same advantages? Is it meant for me to understand that there is one measure of justice for those Peers, and another for me? That because they have been for a long series of years undisturbed, and have powerful connexions, wealth, and influence to protect them, their situations are different from mine? Those who shall use such arguments may depend upon it they will not satisfy me, or drive me from the vantage ground I have obtained. If any distinctions could with propriety be made, they would rather be expected in favour of the succession of the son to his mother, by law a Peeress, and in whose particular branch the honours had been vested from the year 1739, than in favour of such instances of collateral succession.

What says Wallace, an eminent writer upon the Scotch peerage? Why, that "honours "are not enjoyed by any person to whom they devolve, under the will or right "of inheritance of his ancestor; but are derived, by every possessor of them, solely "from the favour of the King, as if each successive individual possible to come into "being, and inherit them, had been distinctly foreseen, particularly named, and origi- "nally called, in the royal charter which granted them. In consequence, a Peer re- "quires not a service, a conveyance, or the using of any form, to acquire a dignity that "is cast on him by descent; but, on the death of his ancestor, is fully vested in it "merely by existence, *and may assume it at pleasure.*"

Upon this principle, the collateral heirs in question conformed to the laws and usages of Scotland only, in taking up the titles which devolved upon them, without applying to the House of Lords for allowance of dignity. In the right of succession to their honours, they justly deemed it unnecessary to do more than the laws of their own country required them to do. They were not questioned or challenged by any other parties, and therefore became entitled to them merely by descent. The House of

Lords cannot alter the course of trial of descent, the laws and customs of Scotland being confirmed by the articles of the Treaty of Union. A vast deal more might be added, to shew what has been invariably the practice in Scotland in peerage cases, except in a few instances where convenience was consulted, or where there were competitors; but I think I have sufficiently shewn, for my present purpose, that on the bare grounds of ancient custom in the Scottish peerage, and of precedent, I am entitled to equal favour in the enjoyment of my rights and privileges, with the existing Peers who are similarly circumstanced. But if my position on those grounds be so strong, it certainly is rendered inexpugnable by the various acts I have now to mention, of the highest authorities in the realm; and although sinister attempts have been subsequently made by some of those very authorities to cancel what they formerly did, I maintain that such injustice has only exposed their disregard of principle, without destroying the validity of their first recognitions.

My title has been recognised by the acts of
The King in Council,
The Lord High Chancellor,
His Majesty's Ministers,
The Law Tribunals in Scotland,
The Law Tribunals in England.

It was on the occasion of his present Majesty's coronation that I petitioned the King in Council to be allowed to do homage at that ceremony, as hereditary Lieutenant of Nova Scotia, or that his Majesty would be graciously pleased to dispense with the said homage, *under a salvo jure for any future occasion.* This petition was dated 29th August 1831, and the very next day was replied to by the Lords of the Committee of Council, acquainting me, that as his Majesty had already approved of a ceremonial, he was pleased to grant a dispensation, *under a salvo jure for any future occasion,* as prayed for. The letter addressed to me as "*Earl of Stirling*" bears the seal of the Council Office.

The recognition of Lord Chancellor Lyndhurst was on the occasion of an approaching election of Representative Peers in Scotland, when his Lordship certified (20th August 1830) that the "*Earl of Stirling*" had appeared before him in the Court of Chancery, and had taken the oaths to qualify him to vote, by signed list, at the general election. I have a right to lay, and do lay, particular stress upon this act of the Chancellor, who took ten days to consider, and summoned my counsel to attend him, before he would sign the certificate; and after his Lordship had signed it, he wrote me the following note, in which all who have the honour of knowing that great luminary of the English law, will admire the polite attention and gentlemanly feeling which dictated it.

" The Lord Chancellor presents his compliments to Lord Stirling, and has directed " the Great Seal to be affixed to the writ certifying his Lordship's having taken the " usual oaths. The Lord Chancellor will regret very much if the delay has put Lord " Stirling to any inconvenience.

" *George Street, 20th August* 1830."

The recognitions of his Majesty's ministers are contained in numerous official letters, during a correspondence with them in the months of September and October 1831, and in March, July, September and November 1833, when I was addressed as Earl of Stirling by the First Lord and the other Lords of the Treasury, by the Secretary of State for the Colonies, and by other heads of Government departments.

The law tribunals in Scotland specially, by a judgment of the Lords of the Second Division of the Court of Session, (after consulting the Lords of the First Division,) dated 9th February 1831, acknowledged my status as Earl of Stirling. Their Lordships pronounced judgment, after hearing the arguments of counsel on both sides, in an action then pending at my instance, and " *sustained instance in the name of Alexander, Earl of Stirling* *."

In the English law courts, on two occasions, when opposing parties attempted to proceed against me as a commoner, Lord Tenterden, in the Court of King's Bench, and Chief-Justice Tindal, in the Court of Common Pleas, ordered the bail-bonds to be recalled, and common, instead of special, bail to be filed, *on the ground of peerage* †.

The following excellent opinion of a learned Scotch advocate, who is now Chief Judge and President of the Court of Appeal at the Mauritius, though given nearly seven years ago, and then only upon consideration of the first steps I had taken, according to the ancient custom of Scotland, will, I think, be particularly valuable to enforce and conclude my arguments on that branch of the subject.

* As it is probable that certain evil-minded persons will at present be disposed to cavil about this decision of the Supreme Court, in consequence of the result obtained last January by the parties who made a trial of my *privileges* in the same Court, I wish to observe, that although the Judges then declined pronouncing upon such a point of peerage law, their doing so does not cancel the former judgment as to my right of suing as Earl of Stirling; and, moreover, that if I had then been as well prepared as I shall hereafter be, to meet my enemies on the ground of peerage *privileges* in the Court of Session, they would not have succeeded in their nefarious purposes.

† The extraordinary failure of a plea in abatement, which, at the suggestion of my legal advisers, was resorted to some months after the first decision of the Court of Common Pleas in my favour, was caused by a *mistake* or *omission* of the gentleman who drew the plea, of *a very serious nature*, and altogether *unaccountable* on the part of a professional man, who ought to have known better, and been aware that what he left out was the pith of the plea. By that act, and the negligence of other parties, I lost the benefit of the first great advantages I had gained.

Copy of Mr Wilson's Opinion, on a case submitted to him as to the titles of the Earl of Stirling.

" Lincoln's Inn, 15. Serle Street,
" *12th November* 1829.

" I am of opinion, that, by the service and retour in the preceding page, the claimant " has established his character as nearest heir, &c. and acquired and vested in his per- " son the dignities possessed by his ancestors. Having so clothed himself, in the form " required by law, with that character, the peerage rank and dignity of his ancestors " drop on him by descent. He does not require any further or ulterior proceedings " for the purpose of completing the investiture of these honours. I see no authority " in the law of Scotland for requiring that a claimant to a Scotch peerage must, in order " to complete or perfect his rights, apply to the House of Lords for allowance of dignity. " No person disputes or challenges the right and title of the claimant. On the con- " trary, he is known and recognised as the Earl of Stirling, has publicly exercised the " privilege of a Peer by voting in the election of a Representative Peer of Scotland, and " his vote has been received without dissent by the assembled Peers. In my humble " opinion, were he to go to the House of Lords by petition for allowance of dignity, " he would be confessing a doubt of his own character, surrendering the rights of the " Scotch nobility, and recognising a jurisdiction in this particular not made imperative " by the Treaty of Union. Still, a party claiming the dignity of a Scotch peerage may, " if he choose, try the experiment, whether the House will entertain his claim and de- " cide upon it; and there are instances in which the party has so applied and the " House so acted. But, as far as Scotch authorities enable me, on principle, to judge, " I consider such applications, except in cases utterly distinct and different from the " present, to have been merely optional in the party, and probably resorted to from " motives of convenience.

" If the present Earl of Stirling has formally, legally, and on sufficient evidence, " proved his character, as *ex facie* appears from the service and retour, &c. he, until " successfully challenged by a competitor *nearer in blood*, is, and must remain, the Earl " of Stirling, whether he seeks for and obtains from the House of Lords the allowance " of dignity, or not.

" The opinion of

(Signed) " James Wilson."

From all that has now been stated on the subject of my peerage, I cannot doubt that every candid reader will be of opinion that I have been shamefully and unjustifiably treated. I shall now proceed to expose the inconsistency of those who deny my right,

while they acknowledge that of other Peers similarly situated, and none of whom have passed through the ordeals to which the envy, fear, jealousy, hatred and persecution I have encountered year after year obliged me to submit. The party of whose oppressive and arbitrary conduct I shall first take notice are his Majesty's Government.

SECTION II.

UNJUST AND INCONSISTENT CONDUCT OF THE BRITISH GOVERNMENT.

On the subject that has been just announced I shall unavoidably be somewhat diffuse; and I must premise by observing, that, from the time of my first appearing at the election of a Representative Peer of Scotland, in June 1825, until all my legal titles were completed by a fourth and special service of heirship, followed by seisin and infeftment of my American property, at the castle of Edinburgh, in July 1831, I had never been noticed, nor had any attempt ever been made, by the agents of the Crown in Scotland, to interfere with my proceedings, which, from the first, were as public and open to attention as it was possible to make them. When I approached Government, therefore, in the autumn of the last-mentioned year, it was with confidence, nay, even with strong prepossessions in favour of ministers, from whom I expected an attentive hearing, and, in the end, justice. I was unsupported, it is true, by wealth or influence, but I hoped to be sufficiently recommended by an unsullied character and a good cause. My legal titles, as above mentioned, had just been completed, and I was, as far as the law could effect, in full legal possession of my property, and the official dignities and offices attached thereto. Thus, although I had, anteriorly to that period, met with some opposition at Peers' elections in Scotland, and on the same subject of *peerage* had been, to my great surprise, also opposed in my wish to be presented to my Sovereign, I had no misgivings about an application for leave to submit *my property rights and titles* (which were distinct from, and, in fact, had nothing whatsoever to do with the question that had been raised as to my peerage) to Earl Grey's Government.

Whatever may have been the intentions and resolves of the whole Cabinet, as to my just demands, *previously to any direct application on my part*, I imagine that few persons will think the Colonial Secretary was justified in *refusing to hear what I* (or my agents and counsel in my name) *had to say; or even to look at the papers, documents, and evidences I was prepared to lay before him.* My overtures had been made in the following words. I quote from the letter of my solicitors, in December 1831, to the Earl of Ripon, then Lord Goderich.

" We are instructed, on the part of Lord Stirling, to open a negociation with the " Government, having for its object a full and satisfactory adjustment of claims and " titles on principles of reciprocal advantage. The Government and his Lordship " united have clearly the undisputed power over the territories contained in the char- " ter, to deal with them as may be deemed expedient: the interests of each appears " to be best consulted and secured on a basis of mutual accommodation; so also the

" object for which the charters were originally designed. If your Lordship shall be of " opinion that an amicable adjustment is desirable, we shall then most readily and re- " spectfully attend to any suggestion your Lordship may make, with a view to the ac- " complishment of the proposed end. Our most anxious wish is to combine the public " service with the great duty we owe to our noble client's interest, and we think they " are intimately blended together."

The answer to such an overture was a letter, dated the 31st of January 1832, in which Lord Howick, by directions of Lord Goderich, expressed himself thus :

" Lord Goderich directs me to say, for your information, that his Majesty's Govern- " ment decline to enter into any negociation with yourself or your client on the sub- " ject of his claims. Lord Goderich is of opinion that no advantage, public or private, " is to be anticipated from prolonging the correspondence which your client has opened " with this department respecting his claims ; but that he should be distinctly apprised " that they are, and will be, altogether denied and resisted."

So, without having ever heard a single word uttered by myself or my agents on the subject of my claims, without having seen what statements and proofs in support of them I possessed, and was quite ready to produce, the Government of England, (that self-styled FREE country,) composed of men whose high rank, education, gentlemanly feelings, and official power, ought to have made them the natural protectors of my hereditary rights, considered it sufficient to meet the respectful application made by me to be heard, as if, instead of being the heir of the noble founder of Nova Scotia, I had been some noisy ruffian, clamorously demanding what I had no right to ; and who, as such, and disturbing the important labours of these official personages, was ordered to be driven away by their underlings. This comparison may not be very agreeable to the noble Lords of whose discourteous treatment I complain, but it is most true ; and I will add, that no beggar at the door of a stately mansion ever had it slapped in his face with less ceremony than, without deigning to listen or inquire, my honest, just, and well-supported claims were summarily rejected by England's Colonial Minister.

This was the beginning ; but my solicitors not being able to persuade themselves that my Lords Goderich and Howick could act in so unjustifiable a way towards me without there being some extraordinary misapprehension as to my situation, and the grounds of claim which they had been asked to examine, determined to make another attempt. Accordingly, on the 3d of February 1832, a most excellent and sensible letter was written by Mr Burn, (the head partner,) in which he endeavoured to remove all objection to negociate with me, by clearly shewing, that if, as it appeared, the Colonial Secretary considered the *peerage question* a bar thereto, he was prepared to clear up every doubt *previously* on that subject. He stated, indeed, a few leading arguments to satisfy Lord Goderich that he could do so. He lamented that any mistake as to the title of his client should be the cause of such claims to property being cast aside ; deprecated the necessity of resorting to other means of redress, if the objection were maintained ;

but most properly hinted, that if I were driven to that extremity, the very circumstance of so vast a power being centred in my opponent, was that which more loudly called for the strictest adherence to equity and justice. Mr Burn further observed, that, " beyond all doubt, the theory of British legislation and government is laid on the sure " foundation of perfect and impartial justice to every one." Alas! how rarely is it so in practice. He stated, that, had an opening been left for negociation, he was instructed and prepared, on my part, *to make the most ample concessions*, &c.

On the 4th of February, with singular dispatch, Lord Howick wrote again; but it was only to inform Mr Burn, by Lord Goderich's directions, that it never had been, and was not then, his intention to intimate any opinion respecting the validity of my claim to the Earldom of Stirling; that he conceived, until my right to that title was established to the satisfaction of his Majesty or the House of Peers, it could not with propriety be recognised in any official communication written by the King's Secretary of State, or by his direction. The letter concluded, by again declining any further discussion of the other topics in Mr Burn's letter.

My advisers still thinking that misapprehensions existed on this important subject at the Colonial Office, wrote, on the 6th of February, to the following effect, viz. That although they had no disposition to prolong a correspondence little likely to lead to favourable results, yet they considered, that the evident misapprehension of circumstances on the part of the Office ought to be set right. They then most distinctly stated, that my title as a Peer, and my title as the heir of the first Earl of Stirling to the territories claimed, were *totally and entirely distinct rights*, but seemed to be considered by Lord Goderich as *identical;* that they should not comment on, or reply to, the distinction taken for not recognising my peerage title *; *that*, for the present, might therefore be left out of consideration: the most important interest of the territorial property, was the only one they would venture to press on his Lordship's attention: they did so respectfully, at this period of the correspondence, lest the decision given against my claim, being mixed up with that against my title, might have induced the refusal to negociate. A few more appropriate remarks concluded their final attempt to make the Colonial Minister sensible of the injustice he was doing me: I say final, for as no reply was ever received, the correspondence ended there.

Now, let me ask, Are British subjects freemen or slaves? Have we a constitution to afford us protection from the rod of tyrants, and the oppressor's contumely and violence; or is it all mere folly to believe that such fine theories are any thing with us but the veriest farce in existence? Poor John Bull is always very fond of ranting about his love of liberty, his independence of mind, his unbounded liberality, and so forth; yet if a

* How little ground there was for Lord Goderich's frivolous objection to the recognition of my peerage status has been fully shewn in another part of this Narrative.

" pretty considerable " portion of John's numerous progeny were not, in spite of such boasting, the most unfeeling, selfish mortals to be found on the earth's surface, the most devoted idolaters of Mammon, and *men more subservient to power than the Persians or Chinese*, surely, when the treatment I met with from Government, not only on the first occasion just described, but on others which I shall have to notice, was the subject of general conversation at an after period, I should have heard something like indignation expressed by those, who, possessing influence as well as colossal fortunes, might have done great things in my favour. Such men there are, who bawl and bluster fearfully at public meetings; and, when it suits their purpose, their political views, or their vanity, can make speeches in Parliament which gain them credit for the most generous, humane, and kindly feelings; yet who, having no such objects in view, cover their wilful blindness to an abuse of authority, in such a case as mine, with a few unmeaning ejaculations, or an affectation of not knowing who in the world I am; and " sorry not to " have it in my power to interfere; but, you know, I have so much on my hands!" &c. I do not wish by this sarcasm, which I unhesitatingly apply to men of the class referred to, to be understood as denying that there is a large portion also of most worthy, amiable, and influential members of the Bull family, who are always ready to do any good actions in their power, only it has hitherto strangely happened that I have not had the good fortune to meet with the latter. I have found many, without either great wealth or sufficient influence, whose excellent hearts and well-ordered minds would have prompted them to do any thing and every thing I desired; but, alas! what could they do against the overwhelming influence and power of my oppressors? In England, (it cannot be denied,) nothing in such a case can be effectually done but by those whose riches, family connexions, and political influence, enable them to wield arms which even the ministry cannot long resist. Assured, at present, of generous co-operation from some of these individuals, and from others who, though not English, have power to serve me, I proceed with my Narrative.

After making my overtures, in the manner stated, to Lord Goderich, and being so rudely, so imperiously denied a hearing, a question arises as to the *legality* of refusal, on the part of a minister of the Crown, to allow a British subject to state his case to him. Is not a ministry formed for the administration of the affairs of the nation? Was not the exposition of the most extensive and valuable chartered rights (*unexpired* and *unextinguishable*, as is clearly shewn in the course of this work, while a lawful heir of Sir William Alexander is in existence,) truly a national affair, and a subject for mature consideration, instead of one to be hastily and petulantly got rid of by a minister's *sic volo, sic jubeo*, on the instant, as was done by my Lord Goderich? Was he justified in thus endeavouring to trample upon rights established by the law, according to all the customary forms, after many years' perseverance, and at an immense expense to me, without deigning to investigate, and merely because he was prompted to do so by his prejudices

or caprice ? Such conduct, I think, must be open to impeachment. At all events, if there be in these times a tithe of the honour, generosity and good feeling, which, in times gone by, distinguished my countrymen, I need not fear that my oppressors, in the plenitude of their power, will be able to shelter themselves from the animadversions which a faithful exposition of their tyranny, and of the paltry means more than once resorted to, by them or their agents, to accomplish the destruction of an honourable family, will call forth. Even those who form their parties, support their general measures, and ply them with adulation, if they be honest and sincere in their desire to reform abuses, cannot approve of the manner in which I have been treated.

The first wicked and truly disgraceful act of official hostility towards me requiring notice, is that of a ministerial underling. It is one that would appear incredible to my readers, and, indeed, is of such a nature, that if there were not ample means of *proving* all that will be stated respecting it, I should not be so mad as to allude to it in any way. It was nothing less than an attempt made, by the private secretary of the Earl of Ripon, (when his Lordship was Viscount Goderich, and Secretary of State for the Colonies,) *to entrap me, by means of a forged letter, into the hands of a merciless enemy*, whose unprovoked, deadly hate, and espousal of another person's quarrel, had, for twelve months preceding, been the cause of infinite distress and annoyance to me and my family. The real object of the private secretary must have been, not only to assist that person, but to make himself acceptable to his patron, by doing what he expected would have operated as a *quietus* upon me and my claims. It will be seen in the able exposition of this dark affair, written subsequently by my solicitor, and which I have the satisfaction of republishing in the Appendix to this work, how the vile attempt was defeated, but how narrowly I escaped falling into the snare. By comparing the lithographic copies of the forged letter, which was dated 22d August 1832, and of the secretary's letter to Mr Burn, dated 24th of the same month, any one accustomed to such a mode of verifying handwriting will be satisfied, as more than a dozen of gentlemen in public offices in London were, that the same individual wrote both letters. In consequence of the observation more than once made to me, that Mr Burn's account did not go far enough, to enable an impartial reader to form a correct opinion of the part which Lord Ripon's secretary is accused of having taken in it, I have yielded to the advice of my friends, in publishing further *the whole* correspondence on the subject. The Earl of Ripon himself was no doubt ignorant of the act done in his name, and, I dare say, it was because his Lordship could not bring himself to believe his protegé capable of such a criminal and dishonourable scheme for another's destruction, that he unguardedly became the champion and defender of the accused. But will not the public think, that instead of thus entering the lists with me, it would have been more dignified and consistent for his Lordship, as the proper authority on the occasion, to express disgust at the prostitution of his name for so vile a purpose, and readiness to allow of the strictest in-

vestigation? Would not that have been the preferable course for the Secretary of State to take, from whose office the forged letter was dated?

Little as my Lord Ripon may be inclined to give me credit for generosity and forbearance, I solemnly declare, that I was urged at the time by many gentlemen to pursue the affair farther than I did; but I refused to do so, in the hope—alas! groundless—that if I refrained, I should afterwards find the Government disposed to listen to any renewed overtures I might be advised to make. How was my forbearance rewarded? Why, by multiplied outrages and provocations; the most atrocious of which was a deliberate attempt to rob me of what is dearer to me than my life—my good name! —and to revenge the discovery of *the real forgery* at the Colonial Office, by instructing the agents of the Crown in Scotland to accuse *me* of putting in forged papers to support my claims. I shall animadvert on this last-named atrocity just now; but I have not yet done with Lord Ripon and his private secretary.

I am compelled, by having found no mercy, no moderation, no desire whatever manifested by his Majesty's ministers to pursue a more praiseworthy course of proceedings respecting me, as a necessary part of this narrative of my wrongs, to complete my exposition of the forged letter business by the following remarks:

The public will learn with astonishment, that the private secretary, who could thus wantonly lend himself to be made the criminal instrument of private revenge, after doing what would have been quite sufficient to send any individual, less powerfully protected, to expiate his crime at Sydney or Van Diemen's land, was, through his patron's influence, actually REWARDED WITH KNIGHTHOOD, and a HIGH APPOINTMENT *in the Ionian Islands*,—a convenient removal from the scene of danger. What then are the natural inferences? A careful perusal of Mr Burn's memoir, and of the correspondence, will lead to them. To countenance the commission of an act so wicked and dishonourable, by heaping honours upon the offender, and sending him in great haste out of the country, is not the best way of disclaiming all knowledge of the league of that party with my private enemy. That league was only part of a widely extended conspiracy to effect my ruin, the existence of which I have already shewn; and the acts of other Government agents, to which I shall have occasion to allude, unfortunately warrant suspicion, that an understanding with my private enemies has been, to a certain extent, kept up ever since.

The next act traced, like the former, to the Colonial Office, was one of obstruction to a sale of lands in New Brunswick, which, as Sir William Alexander's proved heir, and BY LAW *in possession*, I was fully authorised to effect, on the plan that had been recommended to me. This sale was to have taken place on the 7th of November 1832, but was stopped by the insertion of a demi-official advertisement in the Times newspaper of that date, and by preventing the insertion of another which I had sent respecting the sale. Now, without entering here into arguments, as convincing as they

were powerful, used by my solicitor, in a letter on the subject which appeared in the newspapers of that period, I shall merely observe, that ministers had no more right to stop the sale as they did, than they would have at present to interfere with the Duke of Sutherland, the Marquis of Westminster, or any other Peer or Commoner in the realm, to prevent the sale of any of their estates. I denounce the interference as altogether unwarrantable; and equally so the directions sent to the local authorities in the American provinces, to oppose any entry that might be made upon the unoccupied lands there by my grantees. I indeed maintain, that the latter abuse of their power was a direct violation of the special clauses in the royal charters of grant to my ancestor.

But these are solitary instances, among many, of the manner in which Government influence was misused to bias public opinion at the same period, with the evident intention of bearing me down, and inflicting such injury as might annihilate me and my claims. It would be waste of time to notice particularly these minor acts of oppression. I shall only mention, that Government, and numerous individuals who have, from interested motives, seconded their views as much as possible, seem always to have been aware, that if I obtained the command of large pecuniary resources, I should also obtain, in exact proportion, power to resist their tyrannical proceedings. Hence, one of their chief objects all along has been to prevent my obtaining money; and the stabs given to my credit, by the swindling transactions of agents employed by me in the years 1829-30-31, rendered the execution of their plans comparatively easy. Circumstances having obliged me to attempt the negociation of loans, the parties applied to for that purpose, though cautioned as to the inevitable consequence of going to the Government offices for information, invariably did so, and by that means afforded the opportunities desired, in those quarters, of expressing opinions which when reported to me, would have roused my utmost indignation, if I had not felt that such conduct was worthy rather of silent contempt.

Passing from allusions to petty acts of malevolence, I now return to the consideration of that most malicious and vindictive course of proceeding in Scotland, which I have already noticed, as shewing, by the instructions that were sent to the Crown agents there, that even the limited publicity given by my friends to the *forged letter* business had suggested, as a means of vengeance, an attempt to sap the very foundation of my hereditary rights, by accusing me of using forged documents to support them. My readers will see in this proceeding, undoubted evidence of the wish of the Government party not only to despoil me of my inheritance, but to ruin my character. Ought it to be tolerated in the nineteenth century,—in this age of *Reform*,—that without the shadow of a just pretext, a British subject, who had proved his descent, and established his legal character of heir before four impartial juries of his countrymen, should be attacked, on a sudden, in this way, by the worthless satellites of an arbitrary ministry? That in the Supreme Court of Scotland, where he had previously defeated them in every instance,

his expectations of an early and favourable decision should be blighted, and his efforts to proceed in the exercise of his powers be paralysed, by having an infamous, false, and abominable accusation of *forgery* alleged against him. Virtuous and honourable men will, I am sure, answer with indignation, " Assuredly not."

The most serious consequences of this charge have been, *first, protracted litigation,* at an expense which, under the circumstances, it was almost impossible to compass by any arrangements I could make. To increase those expenses, and, as was unscrupulously avowed, " *to make a run upon my resources,*" in the hope of triumphing in that dishonourable way, every scheme that their ingenuity and the practices of chicane could devise was had recourse to, for the purposes of delay. From term to term, during three years and a half, the final pleadings of the cause have been put off, and of course no judgment obtained. Enormous additional expenses have been incurred, by the necessity of collecting a complete body of new evidence to support the points of pedigree, rendered doubtful by the documents originally used to prove them being impugned. In this object I have, however, succeeded, though the undertaking appeared at first to be one of insuperable difficulty. The *second* serious consequence has been *injury to my character,* by the aspersions of those private enemies, who, ever on the watch for new opportunities of doing mischief, gladly seized upon the one afforded them by the atrocious charge to misrepresent all that occurred in Court, magnify the evil, and thus increase my sufferings. These demons, who, for the gratification of private animosity, arising out of bitter disappointment at being checked in the execution of their own worst designs against me, have done their utmost to second those of the Crown party, were enabled, by such an occurrence in Scotland, to circulate their calumnies with more success than was possible before that time. Their sinister object was promoted by the practice in Scotland of printing papers for the Court, by which means the charges brought against a defendant, and the knowledge of which, before trial, is confined, *in England,* to the parties chiefly interested in the suit, can, with the printer's assistance, be made known all over the kingdom, by multiplying the copies of such papers. The men who oppose me had recourse to that expedient; and by sending many of the papers to the wretches leagued with them in London, their calumnies were handed about to effect the ruin of my character.

From all that has been stated respecting the acts of Earl Grey's administration, the reader will perceive that an unparalleled system of injustice and persecution was organised, for the tyrannical purpose of overpowering me. The members of that Government were unscrupulous as to the means of accomplishing their object. Though I had never disgraced my character, sullied my name, or done any thing of which I ought to be ashamed, they hesitated not to accuse, vilify, persecute and oppress me. The meekest spirit would revolt under such treatment as I have met with; and as I cannot boast of any superiority on the score of meekness or patience, it is no wonder, I think, that in-

dignation, and a deep sense of my wrongs, have at last demanded free utterance. They could no longer be smothered by those "*considerations of expediency*" which, for years, have been impressed on my mind by well-meaning, timid persons, and have kept me silent and suffering, till I have been driven, by the atrocious system of my enemies, from house and home in my father-land.

So strong has been the tide of injustice set in against me since the completion of my legal titles in 1831, that nothing but a miraculous interposition of Providence, in raising up from time to time a few kind friends to assist my cause, has enabled me to stem the current, which threatened to sweep away each prop and barrier on which I depended for protection. I found myself at one moment driven into a narrow and dangerous pass, with a knowledge that my formidable enemies were endeavouring, as they are again now, to close in upon me on every side. But I was roused to a proper sense of my perilous situation; and though the struggle was certain to be an unequal one, I fearlessly engaged in it. And why did I so? Because I was upheld, as I still continue to be, by the dignity of right. I have not hoped in vain that a just Providence would enable me to baffle my enemies, and steadily persevere in so noble a cause. After finding my overtures and remonstrances, when renewed at each partial or total change of ministry, disregarded by the heads of Government departments, it is clear I could gain nothing by adhering to the former patient and forbearing system, in which I have persisted too long. I must take up a higher position, and, by all lawful means, determine energetically to resist both ministerial and private persecution.

Had ministers met, with but common civility, candour, and impartiality, my first overtures of arrangement, made as they were on the sound basis of justice and good policy, of liberal concession, and respect for the rights of others, the evils which have been the consequence of their injustice would not have ensued. Even the present agitation in Canada would have been unknown, because nothing could have arisen to give a pretext for agitation. There could have been no discontent, and therefore no spirit of revolt in that valuable colony. But the same statesmen who professed to be the friends of liberal measures, to wish, by wholesome reforms, to strengthen the great palladium of English liberty, and to regard all British subjects as entitled to an equal dispensation of justice, scrupled not to refuse *me* a hearing, when I approached them with confidence, and a disposition to yield whatever might be necessary, under existing circumstances, provided my own and my children's rights were duly considered and protected. I was spurned at as if the doors of their official residences would have admitted a being infected with some direful pestilence, had they opened them to me.

And why all this contumely, baseness, and oppression? I never appealed to them until after devoting the best part of my life, and spending a considerable fortune, I found myself clothed with all those essentials that perfect the legal character of heir. *Then* I certainly did come, and with the proper authority, to demand the attention of Govern-

ment to my claims. The shameful attempt to rob me of the whole advantages of my situation, as Sir William Alexander's heir, by a reduction of my services of heirship, and to gain that iniquitous end by blasting my character, will recoil upon its authors, as it displays the corrupt and abominable motives by which they were actuated. The league with one of my private enemies, which the correspondence before referred to establishes, is perhaps as glaring and scandalous an act as ever was brought home to a Government office. Is such conduct befitting the members of an English ministry? Is there dignity, or lofty feeling, in employing such means of crushing a loyal and unoffending subject of the King, whose only crime was his happening to be the lineal descendent and heir of that noble and enterprising man, *who spent all his large fortune in his persevering attempts to colonise the territories which his Sovereign granted as the well-earned recompense for his services?* The ministers were not ignorant of that fact; neither could they be that; when I appealed to them, I expected they would have had the magnanimity and courage to do, as the rulers of a great empire, impartial justice. Ignorant prejudices, raised and fostered by malignity,—contemptible jealousies, the offspring of little-mindedness,—and party-spirit, fomented by wealthy and powerful private persons, had been previously arrayed against me; but could I suppose *the British Government* would make common cause with such opponents, and use their influence also to destroy me?

I should wish it to be clearly understood, that in making such complaints and such grave charges as the preceding, I am not roused to do so by political or party zeal. So far from being influenced by any motives except those of *self-preservation* and *the maintenance of my rights*, I have not the slightest hesitation in declaring, that, antecedently to the opening of a correspondence with Earl Grey's Government on the subject of my claims, I was one of those who hailed his Lordship's accession to power, and the appointment of some of his colleagues, with satisfaction; because I had always heard them spoken of, not merely as men of distinguished talent, but as humane, liberal, and honourable statesmen; and, in short, I imagined that persons, who were also reported to be so estimable in every relation of private life, would be sure to receive me with courtesy, and give to my legal advisers and agents a patient hearing.

After this declaration no one will doubt, that if I had not received the grossest provocations—if I had not been treated with contumely, which I consider was accompanied with peculiar demonstrations of violent hostility, I should have shrunk from my present task. I act independently. I am of no party, and incline to none but to that which, perhaps, is at the present day the least numerous in the kingdom; the party which, strictly speaking, cannot be designated either as Tory or Whig, though partaking of the best principles of both; which prefers prudent, liberal, and just measures to those of expediency merely; which would seek to effect the general good without bias or prejudice,—without disturbing what is yet pure and salutary in our institutions; and whose

adherents are loyal to the King, and hold in abhorrence the anti-English system of oppression, as well as ministerial jugglery.

My oldest friends are well acquainted with my moderate views, and disposition to yield any points that might stand in the way of an adjustment of my claims, which reason and good sense could shew to be expedient and necessary. Thus, when the appointment of Mr (now Lord) Stanley to be Secretary for the Colonies gave me an opportunity of appealing to that high-minded statesman for justice, one of those friends* wrote a letter to him; and as the most important part of the contents, which were communicated to me, cannot fail to be as useful now as it was then, I am sure he will not disapprove of my introducing that part here, with the precautions I shall observe. When I requested him to address Mr Secretary Stanley on that occasion, I informed him of the wicked attempts that had been made to asperse my character; and expressed my conviction, that if Mr Stanley had received any unfavourable impressions respecting me, they would be instantly removed by the observations he might, as my friend from boyhood, have the goodness to make on such a subject. The kind and feeling terms in which his opinion of me is given, will, at the present crisis, be read with great warmth of interest by those who may shrewdly guess the name of the gallant and distinguished writer of such a letter; and those who cannot possibly know my friend will nevertheless perceive, in the language of the highly-educated military man, the gentleman, the scholar, enough to make them loudly cry, "Shame on Lord Stirling's calumniators!" These are his words:

"My friend and schoolfellow, Lord Stirling, has requested me to bear testimony to "his private character, and the respectability of his family. I cannot refuse this for a "moment. The only regret I feel is, that the position of one I so sincerely value "should render such a testimony, on my part, for a moment necessary. Into the "abstract question of Lord Stirling's rights I do not presume to enter. These have "been, or will be, decided by higher authority; but as regards the question of personal "integrity and uprightness, I should do violence to the best feelings of my heart if I "did not say, that a more conscientious, moderate-minded, and honourable man, than "the Earl of Stirling, does not exist, in my estimation. I have known him from his "earliest years, and had the happiness of passing some of the happiest days of my youth "in the society of his family, than which none could be more respectable, or more "respected. I believe Lord Stirling to be incapable of desiring any thing but the "barest justice; I know myself to be incapable of asking more; and I think I know

* I cannot, without permission, publish his name; but I may state, that he is as much respected by all who have the honour of knowing him, as he is beloved by those who have the happiness to be numbered among his friends. He is a colonel in the army, and discharges the duties of a high military office with distinguished talent.

" Mr Stanley well enough to believe that he is incapable also of refusing it, either " to the highest or the humblest individual who appeals to his impartiality or his " power," &c.

Now, my excellent friend expressed his opinion of my views, in applying to Mr Secretary Stanley, quite of his own accord, for I had not explained them to him except in the most general terms; but he judged they were moderate from his own knowledge of me, and he judged most correctly.

With such credentials preceding my own direct application to Mr Stanley, leave to state my claims was granted, (September 1833,) in a manner which, I will only say, presented a striking contrast to the rude, ungracious repulse I had met with from Viscount Goderich in January 1832. If the disposition manifested by Mr Secretary Stanley to give me a fair and impartial hearing was afterwards rendered unavailing to me, I am persuaded the decision he came to was entirely attributed to his colleagues in office; and, more especially, to Viscount Melbourne and Lord Brougham. The former acting, I have reason to believe, upon the suggestions of Mr S. March Phillipps, one of the Under Secretaries of State, had treated me with every degree of contumely and indignity when at the head of the Home Department; the latter had shewn a constant and petulant opposition to my claims, on every occasion of their coming under his consideration, which was one of those mysteries I never could satisfactorily unravel. While his Lordship, as Mr Henry Brougham, was so eminent as a barrister, I had consulted him, and obtained an opinion favourable to my object; but when he became Lord High Chancellor of England it was no longer the same thing. Three letters which I successively addressed to him never obtained the honour of his slightest notice; and to his Lordship's inexplicable conduct I attribute two of the most unwarrantable acts of power of which I have had to complain. One of these was his refusal to grant letters missive to me as a Peer, by which I was left at the mercy of a person who desired the opportunity of injuring me; and who, by that act of the Chancellor, was enabled to make me pay L.500 to him, *within a few hours*, instead of about L.80, which would have been the extreme amount of his lawful claim. The second act of authority alluded to, was his Lordship's advice to the King, not to receive me at Court as Earl of Stirling. By that advice he did me, and I am entitled to add he intended, the most serious injury. I leave my readers to judge, from the explanations I have laid before them respecting my peerage, in a preceding section of this narrative, whether I complain without sufficient reason of Lord Brougham's conduct. At present I shall only add, that some persons have positively assured me, all this bitterness was any thing but the result of particular investigation into my case, followed by legal conviction that I had no grounds of claim to be otherwise treated; and, if my informants were not mistaken, the mystery is indeed strangely unravelled, and in a manner that reflects no credit on the noble Lord. From

the digression into which I have been led by the preceding remarks, I must now return to state what course was at length pursued by Mr Secretary Stanley.

It must be borne in mind by the reader, that, on this occasion, as in the first instance of applying to Government, one of my principal objects was *to prevent the necessity of incurring any more ruinous law expenses, and of being kept in lingering suspense by protracted litigation.* Mr Secretary Stanley was, however, advised not to comply with my request, that the proceedings in Scotland should be stayed. On the 11th of November 1833, I received the following answer to a letter of mine, in which I had strongly urged his interference to put an end to the distress occasioned by the demand of more money for that suit:

"My Lord, *Downing Street, November* 11. 1833.

"I have the honour to acknowledge your Lordship's letter of the 8th instant, and to "express my regret, that I do not feel myself at liberty in any way to interfere in the "legal proceedings now pending with reference to your Lordship's claims. I have the "honour to be, your Lordship's obedient servant,

"*The Earl of Stirling.* (Signed) E. G. Stanley."

I do not attach the slightest blame to the distinguished Secretary, now so much better known as Lord Stanley, for the above decision against my wishes. He was advised by the highest law officer of the Crown not to interfere; but should this statement meet his eyes, I wish his Lordship to know, that I had another and still more important object in applying for the proceedings to be stayed. It was, that he, as Colonial Minister, should have heard the question at issue, and the general merits of my case, well argued, *for the purpose of ascertaining, whether there had been sufficient, or, indeed,* ANY *just and legal ground of action in Scotland.* I maintain there was *no just* or *legal* ground for it. It has been, from the commencement, an iniquitous, expensive, and harassing suit, by which I have been kept, during many years, at bay, and prevented from exercising the rights I had previously established in the most formal and legal manner. This answer I fearlessly make to the adviser or advisers of the Colonial Secretary's refusal to comply with my request; and further, I assert that I have been kept out of my estate by unlawful and arbitrary measures.

Mere assertions, I am fully aware, will not suffice; neither do I mean to rest upon them. But, first, it is necessary that the value of the legal title I had acquired, *before any action on the part of the Crown was thought of,* should be well understood.

Now, this object cannot be accomplished without careful perusal of the *protecting clauses* in the princely charters granted to my ancestor; as well as submitting to equally careful examination the numerous acts done, and proceedings taken, by me, to perfect

the title and render it unassailable *. Any one who will take this trouble must, I think, be satisfied that a better title to property could not be obtained.

I suppose, for a moment, one of my readers arrived at this point of the inquiry; and I then ask him to consider, next, *the value* of the principal legal argument used by the Officers of the Crown in Scotland, in support of this suit against me. I say the principal argument, because there are other pleas, but which, God knows, are as shallow as was the whole pretext for annoying me, and attempting to despoil me of my inheritance. Their only plausible argument, which is two-fold, is this: *first*, "That his Majesty has "an undoubted right and title to the superiority or sovereignty of the lands, and was "entitled to see that my title of vassal was good." *Secondly*, "That the Crown had "an interest in setting aside my services, so far as they might be used for founding a "title of vassal in the aforesaid lands."

My readers will find appended a paper of considerations on the law proceedings at the suit of the Crown against me, to which, and some reasoning on the argument above cited, I take leave to refer: and in addition I must be pardoned for saying, that the argument itself, under both heads, is all the merest pretence and affectation. Indeed, I have no hesitation in believing it to be true that the inquiry, as to who is the "*proper* "vassal" in the lands, was all the while, in the estimation of the Crown, of just so much moment only, as by prosecuting it an object was intended very different from the real one; that the Crown had made up its mind not to hear of *any* party being vassal or proprietor, except itself; and that its Officers insist in the suit for setting aside my services as a means to their end, which is neither less nor more than that *the Crown, having somehow, and* WITHOUT A TITLE, *got hold of the property, would arbitrarily go all lengths to keep it, as well as the sovereignty, and to resist the right vested in my person as the subject vassal.* This is, throughout all the bitter enmity and untiring hostility that my powerful opponents have followed me with, the real object which they proposed to themselves for obstructing my best efforts to regain the use and enjoyment of the lawful rights of my family, and which made all the ingenuity of their legal advisers and others be put in requisition. Justice, however, is not to be thus disregarded. I deny, in the most peremptory terms, both the Crown's title to interfere with me in relation to the lands in question, and that there is any right of property in the lands remaining in the Crown, in any character of superior, sovereign, or otherwise.

Now, I might confidently ask any candid reader, whether he thinks the Crown, or its Officers, had a right to disturb such a title as I completed on the 2d and 8th of July

* Those readers who may desire to satisfy themselves, are referred, 1*st*, to the Royal Charters, and translations of them which are given in the Appendix; 2*d*, To the particular references to my different services of heirship; 3*d*, And chiefly, as the completion of my legal title, to the last of these, the *special service*, followed by the *royal precept*, and *instruments of seisin* of the territories belonging to me, as the heir found by the service.

1831 ? There may be *other* cases in which, perhaps, the Crown's interference is perfectly regular and legal. I am not competent to form an opinion as to other cases; but I feel perfectly assured that *a similar case to mine* is not in existence. Any unprejudiced and uninfluenced reader will acquit me of presumption, or exaggeration, (after studying the case in all its bearings,) in asserting that my title of heir has been challenged *without either just or legitimate grounds for so doing.*

But I proceed to shew, further, why the attack was unjustifiable; and let me direct particular attention to the following clause and kingly promises in the Royal Charter of 12th July 1625, viz.

" Which lands and privileges, &c. specially and generally above mentioned, together " with all right, title, &c. which we, or our predecessors, or successors, have, had, or any " way may have, claim, or pretend thereto, &c. or the maills, farms, profits and duties " thereof, of whatsoever years or terms bygone, for whatsoever cause or occasion, we, " with advice foresaid, &c. of new give, grant and dispone to the foresaid Sir William " Alexander, his heirs and assignees, heritably, for ever; *renouncing and exonerating* " *the same simpliciter, with all action and instance heretofore competent to, and in* " *favour of the said Sir William Alexander, and his heirs and assignees, as well for* " *non-payment of the duties contained in the original infeftments, as for non-per-* " *formance of due homage conform thereto, or for non-fulfilment of any point of the* " *said original infeftment, or for commission of any fault, or deed of omission or* " *commission, prejudicial thereto; and whereby the said original infeftment may in* " *any way be lawfully impugned or called in question, for ever acquitting and remit-* " *ting the same simpliciter, with all title, action, instance and interest heretofore com-* " *petent, or that may be competent to us, and our heirs and successors, renouncing* " *the same simpliciter, jure lite et causa cum pacto de non petendo, and with supple-* " *ment of all defects, as well not named as named, which we will to be held as ex-* " *pressed in this our present charter. To be holden in free blench farm, as said is,* " *and dispensing with non-entry, whensoever it shall happen, in manner foresaid.*"

Who can say, after reading the above clause, that the Crown had any remaining right or interest in the lands granted to my family, except the right of sovereignty ? And if no other right and interest could exist, so long as any heir of the original granter was in being, what right could the Crown have, *at any time, before or after the perfecting of my legal titles as heir, to interfere with me ?* It certainly has no *competing title;* its Officers admit that. But it is said, *the King, as superior and over-lord, has a right to ascertain whether I, his vassal, have a good title.* This, I repeat, is the only plausible argument used on the part of the Crown; and if there existed any right at all to interfere with me, it would, to a certain extent, be true. But if his Majesty had any reason to doubt of my character as the heir of my ancestor, there were my services in that character, to resolve every such doubt; or otherwise, I ask, why was I not opposed by the

Officers of the Crown, *from the first moment of my coming forward to prove my heirship, at the service of 7th February* 1826; *or, if not then, at the more important services of 11th October* 1830 *and 30th May* 1831, *and finally, at the special service of 2d July* 1831? Why was I allowed to proceed, as I did, in the most public manner, in all these legal acts, without any opposition? Why did the Sovereign, in the person of the Sheriff of Edinburgh, give me seisin and civil possession of my estates; and why was I allowed to continue unmolested for six or eight months after the completion of my legal titles? Supposing, for a moment, the right of the Crown to interfere, was it proper, was it correct or humane, to let me consume so many years, and spend such large sums of money, without any hint being given, or pretension of right to oppose being asserted by ministers and agents of the Sovereign? Who can affirm that I might not have been deterred from exposing myself to the danger and expense of pursuing an object, which, under such circumstances of inevitable contest and litigation with the supreme power, I should have considered one of doubtful issue? What have the advocates of the right of the Crown who attacked me, after all my labour and expense had been incurred, to say *to the equity* of such a proceeding?

But again and again I must deny that there could possibly exist any such right as is pretended. I was fully protected by the clauses in the royal charters. I was farther protected, by taking seisin, and receiving infeftment of my property, from the King's lawful representative, otherwise there can be no meaning in the following clause of the Canada charter. After providing for taking seisin "upon any part of the ground of "the said lands, or at our castle of Edinburgh, or in both manners, as shall appear to "him and his foresaids best," &c. the concluding words are, "Which seisin, so to be "delivered, by our said bailies in that part, to the foresaid Sir William, and his *foresaids*, "*or to their attornies, holding and producing this our present charter, we, for us and* "*our successors, decern and ordain to be good, lawful, valid and sufficient, in all* "*time coming; dispensing, as we, by our present charter, dispense, as to all that can* "*be objected against the same, whether in form or in effect*," *&c.*

Let any one, after reading the above clause, be good enough to turn to the Appendix, and examine the contents of the following documents: 1*st*, Proceedings at my service, as nearest and lawful heir in special of William, the first Earl of Stirling, with the verdict of the jury of the 2d July 1831; and, 2*d*, The royal precept for giving me seisin, and the instruments of seisin of the lordship and barony of Nova Scotia, and of the lordship of Canada, on the 8th day of the same month of July 1831. This done, I am persuaded a little consideration will bring such person to the same conclusion, that I have been illegally and unwarrantably interfered with, persecuted, and kept out of my property.

Much as I have had reason to complain of the Earl of Ripon, in his public capacity, as Secretary of State for the Colonies, I have heard enough to convince me that a more

estimable man in private life is rarely to be met with ; and I can scarcely imagine that either his Lordship, or others who were his colleagues in office, if they took the trouble to understand what was my real situation, would persist in thinking that their reasons for repulsing and afterwards persecuting me, were praiseworthy, or in any respect capable of justification.

That a most extraordinary prejudice against the case was early imbibed, as well by the King's ministers, as by a large portion of the nobility and gentry in England and Scotland, I know from sad experience. In the common course of things, it would appear almost inconceivable, that the very natural endeavours of an anxious father, to recover for himself and children an inheritance rightfully belonging to them, should only give occasion to the violent hostility and prejudice of so many individuals, without exciting in the minds of at least an equal number of liberal and independent persons the deepest interest and sympathy. But perhaps this strange anomaly may be accounted for by the proceeding I had adopted in 1825, which, although it undoubtedly was the proper one for me to have ultimately taken, some of my best friends thought I should have deferred until I had completed my legal titles, which ought to have been obtained *before* instead of *after* my public resumption of the peerage.

Out of that first mistaken course of proceeding came incalculable mischief, which was heightened by the conduct of those in opposition to me ; by the bad management of persons I employed ; by insertions of a most injurious nature in various pamphlets afterwards published ; reckless attacks on noble families and individuals, whose concerns had nothing to do to be mixed up with mine ; failures innumerable in negotiations for loans of money ; and the combined attacks of swindlers, bill-brokers, pettyfogging lawyers, and other unprincipled persons. Hence that apathy, which would otherwise be inexplicable, and those prejudicies which, I believe, have prevented many generous, liberal, and independent persons from offering me their assistance. I trust, nevertheless, that when the true state of my case is known and understood,—when I shall have set myself right with the well-thinking and respectable classes of my countrymen, unjust and groundless prejudices of all kinds will cease to influence them ; and when they perceive what are my real objects, wishes, and intentions, I shall have the comfort of experiencing the wholesome effects of their convictions in my favour. It would be more than extraordinary if a result such as I anticipate, and therewith a complete revulsion of public feeling as to the merits of the case, were not the consequence of clearly seeing how much and how shamefully I have been maligned and misrepresented. The infamous designs of my enemies have too long found sanction among those who, could they have understood them, would have held them and their authors in abhorrence. I do not believe there is another country in Europe where such a case as mine would have been subjected to so much obloquy, in consequence of cabals and prejudices created by its opponents. Availing themselves of such a state of things, ministers, who ought to have

been, by their situations, the natural protectors of my legal rights, preferred the course of injustice and inhumanity. In other countries, when any thing of this kind happens, the oppressed subject is permitted to appeal to the magnanimity and power of the Sovereign; and it is well known how often in Austria, in Holland, in Prussia, &c. the statements of injured individuals, on the days when all are allowed to approach the throne for that purpose, have satisfied the royal mind, and stopped the ruthless proceedings of men in power. With us, on the contrary, the avenues to the throne are as impenetrable as the fields of ice to the hardy navigator, who seeks to approach the polar basin; and thus it happens, in this "land of liberty," which boasts of its pre-eminence in all that is noble, great, and good, that the ministers who govern, can, with perfect impunity, and on their responsibility, be as refined in cruelty, persecution, and insult as they please, towards a fellow subject who has not the good luck to possess equal wealth, or to be protected by others who have that advantage, and with it counterbalancing influence and power.

I am bound to acknowledge, that on every occasion of addressing Earl Grey himself, I met with courtesy of reply, and even much that was obliging in his expressions; nor was there any want of civility in the communications of one or two of the noble colleagues of his Lordship, when they were applied to. But others were less scrupulous, and knowing, I dare say, all they might expect from the vast number of their servile and ever-attending and obsequious partisans, who are always ready to applaud and defend their measures, they took care that the course they pursued respecting me should be rendered more extensively injurious, by making those ministerial satellites give the impressions they desired to their hearers in general society.

One grand object of the Government party, from the commencement of their opposition to me, has been to talk a great deal about the manner in which I was recommended to take up my family titles in 1825. They have been pleased to stigmatise it by epithets that would apply most correctly to *their own manner of doing things;* and an outcry has been raised, (in which, alas! several Scotch as well as English Peers have joined,) that it was, on my part, audacious to resume *(assume, they say,)* those titles in so *unprecedented, improper* and *illegal* a way! Further, it was not enough to make the public believe all those absurd and groundless assertions; but it served the particular purposes of Government, to make the same public also believe that my territorial rights and hereditary offices were *inseparably connected with my peerage rights and privileges!* They knew very well that such was *not* the case; but what did that signify? It added immensely to the prejudices and unfavourable impressions already created; and that was all those equitable personages desired. Such was the effect of these reports, that, I verily believe, the commonly-received opinion to this day is, that the rights of peerage and the rights of property are, in my case, quite inseparable.

Now, this last consideration, joined to other equally potent reasons, induces me to

explain, in as clear and intelligible words as I can, why it is absolutely impossible there should be any connexion whatever between the peerage and the property.

It is only necessary to request my readers to observe, that the royal charters, by which the territorial property in America, claimed by me, was granted to my ancestor, whose heir I have been found to be, were dated in 1621, 1625 and 1628; and that Sir William Alexander, as he *then* was, continued to be known by that name till the 4th of September 1630, when he was first raised to the peerage, by the titles of Viscount of Stirling, and Lord Alexander of Tullibodie. On the 14th of June 1633, he was further advanced to the dignities of Earl of Stirling and Viscount of Canada. It follows, that as the whole territorial property was acquired *while the Earl was a Commoner*, and my services of heirship have enabled me to obtain seisin and infeftment of the lands *so granted*, and *not under any subsequent grants to him when a Peer*, the rights are *perfectly distinct*. More cannot be wanted than has already been adduced in the first section of this Narrative, to set the question, as to that point, for ever at rest.

I am neither so stupid, nor so blind, as not to understand *why* a senseless clamour has been raised against me for daring to defend my right, and the propriety of the course I have pursued,—why my private opponents have resorted to dark intrigues, conspiracies, false statements, infamous accusations, (bandied about with perfect recklessness by men they ought to have been ashamed of employing,) and every kind of degrading artifice, to impede my progress, and if possible effect my ruin. *It is because I am entitled to a princely fortune, with vice-regal powers and privileges.* Yes; this, this is the secret and only true cause of all the opposition I encounter. It is not my being Earl of Stirling that any one would care about; *if I were not, at the same time, the proved heir to the great landed possessions of my family.* But what a shame that in England, in the reign of a mild and patriotic Sovereign, and in the boasted days of reform, when all persons and things are presumed to be so purified, so good, so just, so liberal—when every Government man ought to be half a saint, and shudder at the bare suspicion of his doing an illegal or oppressive act—that a British subject can be put out of the pale of justice at the nod of a minister, because he happens to be fully entitled to a large fortune.

The very idea of such an abuse of ministerial power is too monstrous to find admission into the mind of a thoroughbred, unsophisticated Englishman; for he is too generous and upright himself to believe that he is governed by men who laugh to scorn all laws and institutions that interfere with their own ambitious views.

The laws have placed me in the strong position I hold; and I ought to be, under such protection, safe from any attempts made to dislodge me. Independently of the gross absurdity of connecting the rights of property with those of peerage, which I have before shewn are quite distinct, there can be no hesitation, on my part, in declaring that I set a much higher value on the *former* than on the *latter*. But if my enemies could

succeed in depriving me of the Stirling peerage, they would not enjoy the poor triumph of reducing me in rank ; for I should be, under a different charter and limitations, Earl of Dovan in Scotland ; and always in Nova Scotia and Canada, either as a Peer or a Commoner, his Majesty's hereditary Lieutenant, and should retain all the other hereditary offices, powers, privileges and immunities thereto belonging, with the proprietorship of the soil.

Any further arguments would lead to repetitions. Government, it is clear, can only oppose to such incontestable and amply proved facts their own arbitrary will. The abettors of their schemes meanwhile have, as they conceive, a sufficient pretext for continuing their base practices, and I am exposed to have them like so many hornets buzzing about my ears, and seeking new opportunities of stinging without danger to themselves.

SECTION III.

UNREASONABLE HOSTILITY OF PRIVATE PARTIES.—TREACHERY OF A MALEVOLENT AND MERCENARY AGENT.

The uniformly bad treatment I have met with from such persons as those I have alluded to, and indeed from more influential classes in London, now come to be noticed at this point of my statement, after the shameful exhibition I have given of ministerial injustice and oppression. With the former, the grand object has been to effect, *by any possible means*, my degradation and ruin. There were no delicate scruples, no feelings of respect or attachment, no conscientious objections standing in the way of their lawless and unjustifiable efforts to injure and destroy. A deep scheme of villany was concocted: they were favoured by the pressure of my wants, and my extreme anxiety to raise ample supplies for the various purposes of my important claims, as well as other objects I had in view; and thus, the minor agents of these conspirators (for such they truly were) had a wide field of action before them, upon which they found too many opportunities of displaying their science, in operations of swindling and robbery. I was unsuspicious and confiding; and to men who had surprised the judgment, and overcome the caution of many noblemen and gentlemen before my time, under nearly similar circumstances, that was the state of mind most favourable to their sinister views. Perhaps the most atrocious means, adopted by the schemers in question to draw me into their snares, may be considered by the attentive reader to be the successive introductions of intriguing and unprincipled men and women, who, by their connexion with noble families and other persons of influence, and their admission into good society, were able, each for a time, to conceal their plans, and make me and my family believe them our devoted friends. But, happily, such persons have been stamped by the hand of Providence on their perverted minds, which invariably leads them, sooner or later, to betray their true characters and dispositions; and thus it has happened, that being discovered and indignantly shunned by us, those people now feel all the rage of disappointed villany. I have no intention of disgusting my readers, by entering into further explanations on such a subject. It would be improper besides to do so, since there are tribunals to which I can hereafter appeal. What I have mentioned is merely for the purpose of elucidating the conduct and motives of the leading individuals, who have always kept as much as possible behind the curtain, while their disreputable agents have been made the instruments of evil, discredit, and suffering to me, their chosen prey. By the transactions in which they got me entangled, they laid the foundation for suits

at law, and a regular series of attacks upon my credit, my honour, and my peace of mind. They created such prejudice against my cause, as rendered all my struggles to overcome it, in those quarters where it was most desirable that my rights should be well understood and appreciated, altogether powerless. These atrocious means were aided by the tittle-tattle of gossips and fools, the insinuations of more accomplished idlers, and the open slander of others, who, in the mazes of London society, are always exercising their talent at backbiting and mischief. In short, the great objects of the chief conspirators, (whose connexion with Government, and powerful families hostile to my claims, sufficiently shews whom they were adulating and serving,) by degrees were partly attained to the extent they wished. I say *partly* attained, because, most assuredly, they are mistaken, if they flatter themselves with having annihilated either my claims or me by any of their schemes. They have been too successful in deeply injuring me,—they have harassed, tormented, distressed, and occasionally alarmed my family,—they have, assassin-like, stabbed my reputation in the dark, and imposed for a brief space on a portion of the public, who have had no opportunities of knowing, and consequently none of estimating, either my real character, or the just and honourable motives of my actions. Finally, they have been able to set at work on their side, those useful tools to the wicked, the chatterpie lovers of scandal and defamation, who care not what wounds they inflict, provided they can be permitted to rattle on without interruption, and attract some degree of attention to their venomous reports. But let not the leaders of so ably arranged and well-connected a conspiracy exult too soon over its intended victim. The ass plucked up courage enough to kick the disabled lord of the forest, according to fable, while the fever wasted his strength and dimmed his eye ; and so, in my depression, and while struggling almost alone against a host of foes, I have been made the butt for every fool to aim at. This unnatural state of things cannot last for ever. A trifling occurrence in the life of man often leads to great events, and to changes as fortunate as they were unexpected a short time before. I venture to hope that such a desirable turn in my affairs is close at hand : and when it shall take place, let my persecutors look to themselves for the revulsion of public opinion as to my rights ; and the unjust sufferings I have been made to undergo, will be annihilation to them and their schemes.

I must now describe the treatment I experienced from a very different class of persons, also in London ; but who certainly acted under the influence of such impressions respecting my case, as they received from the infamous agents and prime movers in the great conspiracy against me, to whom allusion is made in the preceding paragraph ; and not, I imagine, because they bore me any ill-will, or had private motives for repelling me. For instance, there were several Companies, who had obtained grants of land in Canada and New Brunswick, the members of which, if they would have given themselves the trouble to study my case without bias or prejudice, might have seen the good policy of helping it forward, in consideration of the immense increase of profit and ad-

vantage which they had it then in their power to stipulate for. So much convinced were my friends that this would be the view to be taken of my situation and prospects, that, by their advice, I sought an opportunity of improving my acquaintance with a very intelligent and gentlemanly man, whom I had seen at Liverpool, and who was so deeply interested in the success of a Company then forming, that he intended to go out to America and settle upon the lands granted to them. At first we met on the most friendly terms, and every thing seemed to promise an arrangement with the directors on terms of mutual advantage; but during an interview he had appointed to take place at his lodging in town, I was introduced to a stranger, whom he described as the most active member of the new Company. I shall not mention names; but, as the object of this last important personage was *to undo all that had been done*, I shall sum up all my allusions to him and the Company *to whose interests he was so much alive*, by observing, that a very few minutes only had passed, when I saw there was no hope of calm and fair discussion on the subject of our meeting; and, indeed, the conversation was brought abruptly to a close, by the cold indifference of manner, and the forced smiles of the stranger, which did not conceal, as he intended, the sneer that each remark of mine drew forth from him. While I still recall to mind with pleasure my communications with the former gentleman, I think only with disgust of the conduct of the "influential "member."

The agents I deputed to wait upon the secretaries or directors of other trading and emigration Companies, described the reception they met with as almost insulting; and in short, though quite unacquainted with my case, or the proposals I wished to make, it seemed too evident that prejudices of so violent a nature had been imbibed, that there was no disposition to listen, for a single moment, to my friends or deputies.

For a series of years my mind was kept in a state of irritation, and my spirits were jaded even to a certain degree of discouragement; *first*, by the unremitting persecutions of the parties who had conspired against me; *secondly*, by so much disappointment in attempting to negociate with Companies, who, by their pursuits, and the property they had acquired within my hereditary possessions, had, though they denied it, the greatest inducements for lending me their cordial support; *thirdly*, by the manner in which my applications were met by other individuals possessing wealth, with good connexion and influence, which, if enlisted on my side, would have dispersed all the obstacles frivolously and vexatiously raised by my enemies, as chaff is dispersed by the wind. Instead of this, however, or even behaving with common civility, almost all the persons alluded to, (generally under the influence and advice of the lawyers they consulted,) treated me, or those I employed to wait on them, in the most abrupt and ungracious manner; giving no valid reasons for a refusal to listen, but rather displaying total ignorance of the merits of my case, and prejudices the most despicable. Their ignorance refused to be enlightened: it was of that dogged, stupid, headstrong nature, which is

peculiar to thorough-bred, money-getting, untravelled Londoners, when their prejudices have been once excited. The refusal to look into the case was frequently accompanied by an avowal of servile deference to parties whom they, forsooth, would fear to offend, if they consented to assist the oppressed Earl of Stirling.

I cannot forbear remarking here, as a singular fact, that, during my long and painful struggle, single-handed, against the power and influence of Government, and against private opponents who, besides their own wealth and power, have brought to bear upon me the united strength of the family connexions they have in all parts of the empire, and the harassing annoyances of their agents, I have never found amongst the high nobility, or the far-famed English gentlemen of great estate and ancient lineage, one noble example of sympathy, courage to defend, generosity of motive, independence of feeling, desire of understanding my real situation, with willingness to protect and assist me in so good and just a cause. Not one in those highly favoured classes (although I have an undoubted right to be considered as belonging to their order) has endeavoured to serve me. I speak not of money—that is out of the question with them; but I do distinctly refer to such assistance as some of them might have offered to render me, by upholding my rights in the Senate, at Court, and in society. Such marks of interest in my favour, under the circumstances of oppression that have been detailed in these pages, would, nevertheless, have done honour to any members of Britain's aristocracy. Then why have no such instances been found? Have I ever done any thing unworthy of my character as a gentleman, a man of honour, or a Christian? I am sure that no man, unless he be as reckless, malicious, and unprincipled as are some of my dastardly calumniators, would risk a similar charge against me, still less against my family, who are deservedly my hope and pride. I know that erroneous views have been taken by many respectable individuals of my conduct and proceedings on various occasions; but they must be infatuated if I do not convince them, and all whose respect and esteem I am anxious to deserve, of the purity of my motives and intentions, from my first coming forward to assert my claims, to the present hour. When I shall have obtained possession of my property, and overcome the difficulties in which I have been involved by so protracted a struggle, it will be seen whether this be not the indubitable truth. Meanwhile, I have a consciousness of right, an honest pride of having done all I could do amidst such extraordinary trials, to maintain my position without deviation from the path of honour; and I know that I have protected my family, and the interests of those who have assisted me, to the utmost of my power. Under these circumstances, I certainly expected more sympathy and support from a *wealthier class* than I have hitherto found. They have disappointed me; but my reflections are still my consolation, and serve as the best stimulants to continued exertion.

It is only among that middle and truly English class, who occupy an enviable station, equally distant from the extremes of lordly influence, wealth, and fashion, as from those

of commercial arrogance and selfishness, that I have found support. They possess much the largest share of those amiable qualities of the heart, those graces of mind and person, that good faith and good feeling, that love of virtue, and those noble and honourable sentiments, which, in days of yore, used also to distinguish so considerable a portion of the higher and lower classes in Britain. It will be my pride, as long as I live, to acknowledge, that many of the persons to whom I allude have assisted me to the fullest extent of their limited means, and have heightened the value of such timely succour by their generous sympathy.

Deeper villany than has been practised by some, who are for the most part either agents in the great conspiracy of my private enemies, or men who were formerly employed by me, and who betrayed my confidence, never was practised in the case of an unoffending individual. Many attempts have been made to conciliate certain parties whose violence was supposed to proceed from erroneous opinions rather than any bad motives; but I am compelled to entertain a perfect conviction, that such persons, like their advisers, have really no object so much at heart as to effect my ruin! Were it otherwise, they would not have refused me the extension of time I required to settle with them,—they would not have put themselves to useless expense, and harassed me by commencing proceedings which had for their sole object the infliction of the deadliest injury, without a chance of arriving, by such means, at the pretended and ostensible object. In fact, the hostile conduct of many persons, who have acted similarly to those alluded to above, has been sufficiently explained by their connexion with the agents of my more powerful opponents, and their employment of the very men who had treacherously abandoned my cause, and poured forth their malevolence in falsehoods and calumny. I have been able to trace the particulars of several plots against me, and to secure the means of bringing their authors to public shame and punishment, should it be found necessary. Meantime, I warn such persons of the danger to which they are exposing themselves. Those who fear not to make use of traitors and impostors to forward their plans, should at all events remember, that the same treachery lurks in their own camps, and is most likely to convey to me, at any turn of events, what will cover them with shame and ignominy.

I have never asked, but from the best and most honourable motives, for time, and confidence in my promises. It is very certain that *years* have passed away in expectation, when *months* only were originally looked forward to; but facts are stubborn things, and it is an absolute fact that I have not, *in a single instance*, wilfully occasioned delay. I have not done one individual intentional wrong; nor will any one, having *just* claims against me, find me defer a single day the settlement he is entitled to, when the means of so doing are in my power. I fling back, with undisguised indignation and scorn, the infamous, lying, abominable charges which are, I know, made against me; and to

him who may ask me why I have not then sooner given proof of my intentions, I reply in those lines of Mother Hubbard's Tale, which pithily describe my feelings:

> Full little knowest thou, that hast not tried,
> What Hell it is in suing long to bide;
> To lose good days that might be better spent;
> To waste long nights in pensive discontent;
> To speed to-day, to be put back to-morrow,
> To feed on hope, to pine with fear and sorrow;
> To fret thy soul with crosses and with cares,
> To eat thy heart, through comfortless despairs.

When, to the cause of delay in acting justly, which is truly set out in the preceding lines, I add, that the most clamorous advocates of the persecution I have undergone, are, almost without exception, the same men who have used every art and means that villany could suggest, to increase the prejudice and discredit *they* had themselves first produced, *in order thereby to prevent my obtaining the advances of funds I required to settle with their employers*, the public will comprehend, that to overwhelm me was their *real object*, not to enforce the payment, which was the hollow pretext.

I commit this Narrative of my long sufferings to a just and discerning public, with confidence that it will excite attention, set me right with such as have allowed themselves to be temporarily influenced by defamatory reports, and cause all whose good opinion is worth having to raise their voices in my defence. As for those who have used the supreme power of Government to crush me, and those families who have abused their wealth and high connexions to direct the weight and ascendancy obtained by such inestimable advantages against me, I hope they too will return to more praiseworthy sentiments and pursuits.

What I asserted almost at the beginning of my statements may properly be repeated here, namely, that I and my family are not the only sufferers by such horrible injustice. The business, the views, and prospects of a few Colonial Companies, of intending emigrants, and actual settlers, and even the interests of the late Duke of York's creditors, are deteriorated by the suspension of an adjustment of my claims. How can the latter expect any settlement of their demands while the suit in Chancery, brought by me against the lessees of the Nova Scotia Mining Company, is pending? The legal advisers of those creditors appear to have considered, as do, I believe, the majority of their profession, that any application to *me*, or notice of my proceedings, was not worth their while. Be it so: it is their business, not mine, to ascertain how far they may be right or wrong in the course they pursue. In respect to the litigation so uselessly provoked by the lessees of the Company, I think they have had time enough to judge whether it would not be infinitely more for their advantage to coalesce with me than to oppose my object. In the

Colonies, people are beginning to be aware that the titles to recently purchased lands there are incomplete without my confirmation, and are likely to be disputed. Hence much distrust, which, coupled with their uncertainty as to the consequences of my proceedings, and with the great political agitation in Canada, will more and more expand the ideas of Colonial proprietors, and furnish reasons for mature reflection on the merits of my case. At home, what has Government gained by such tyranny and injustice towards me? Nothing whatever, unless loss and embarrassment be, in their estimation, gain. But I beg pardon: I forgot the *temporary* triumphs they have gained. Yes, they have indeed succeeded in foiling me *hitherto*, by the show of contempt for my rights, by using the arm of power to intimidate all who have dared to raise their voices in my favour, by availing themselves of the subserviency of some, the pride and jealousy of others who might have upheld my rights, and done themselves immortal honour by defending the privileges and independence of their order and country. Yes, they have done all this; and if report be true, they did more, at one critical moment, by conferring military and civil appointments on persons whose interests would otherwise naturally have induced them to co-operate in my proceedings. Nay, 'tis said they silenced, in their peculiar way, writers who were disposed to take up my cause in periodical works. To the high-minded editors of several well-conducted journals, I have only thanks to return for the kindness and impartiality shewn respecting me and my affairs. A small number have indeed permitted scurrilous attacks to disgrace their columns from time to time; but I flatter myself, the directors of these journals could not know how much the purveyors of such trash deceived them, and exposed their own venal and corrupt motives.

A right understanding of my case, and impartial justice, are the two points I have at this moment in view. Those among my countrymen who have the courage to stand forward in the defence of an ill-used and oppressed fellow-subject; those honourable and high-spirited foreigners, whose independence of feelings and interest secure them from bias, will equally be on my side. All men whose own honour and integrity are incorruptible will be my friends, after reading the work I have been recommended to prepare particularly for their consideration; and I hope some will be found, in Old England, disposed at length to lend their cordial support in Parliament, and out of it, near the throne, and among the people. My appeal to them will not be cast aside with indifference. No; they will give it full consideration, and it will rouse them to prompt and effective exertion in the cause of JUSTICE.

POSTSCRIPT.

SINCE the foregoing Narrative was written, I have made important discoveries both in France and America. One most important document for establishing my descent has been restored to me; and in addition to these advantages, I have had the satisfaction to hear that the miserable and inglorious attempt of the advisers of the Crown, already sufficiently descanted upon, to impugn an old affidavit and other papers, forming part of the evidence first produced in support of my rights, has proved a total failure.

Thus, in the short space of a few months, I find my position so much strengthened, that I cannot but regard as a visible interposition of Providence all the extraordinary occurrences by which the very endeavours of my enemies to ruin and disgrace me, have been overruled to produce the opposite effect.

I understand that one vindictive, treacherous being, who, during eleven years, took an active part in establishing my rights, and, till he forfeited all claims to it, possessed my confidence, has for some time past had recourse to means of inflicting deadly injury on me and my family, so consummately wicked and perfidious, that a man of good principles would think such conduct almost too bad to be believed. Unhappily, I cannot doubt the correctness of the information that has been conveyed to me. What he was not afraid to threaten fifteen or eighteen months ago, if I did not supply him with money, he is now trying, with all the malice of a fiend, to accomplish, namely, to pull down the structure he had assisted in raising. But his *ownn earest connexions say*, that such is and has been his invariable practice in every case in which noblemen or gentlemen have had the misfortune to employ him. The system which he has followed up with such wonderful industry, in the hope of extorting money from me, will scarcely be credited by respectable and reflecting persons. He began by making fallacious representations of his difficulties, and then by threats of self-destruction; and I should have been deceived by the ingenuity of his statements, had I not been made aware by those who knew him better than I did, that the jail he was about to enter, and the exposures he seemed to dread from week to week, were but the fruits of his own invention, to make me part with the money which he well knew was most inconvenient. Another favourite scheme of his was that of conveying notice to me of competitors coming forward, sometimes from one end of the world, sometimes from another; furnishing him, on each occasion, with an excuse for asking money, as he had frequently before had large sums to go here and there to obtain further evidence to strengthen that part of my descent which he pretended was threatened to be assailed. That he has tried to bring forward various persons, from the first time of my employment of him, is now very well known to me; but those persons knew too well how perfectly hopeless their appearance would

be in realising his ingenious representations. Failing, by these means, to wound either my honour or my peace of mind, he next threw doubts and insinuations upon one part of my evidence after another, just as my progress compelled him to abandon the different points; and wrote letters, not only to persons of rank and influence in England, Scotland and America, making statements respecting me and my claims, which he calculated would tend to paralyse the exertions of those who were inclined to serve my interest, and make me appear to the rest of the world in a most equivocal light; but also to many of my private friends, threatening, that unless money were provided for him, he would destroy my case entirely, and that he cared not if it were to be ruin to himself, so as he could drag me down with him. This person repeatedly asserted, that he had documents in his possession, with the help of which, if he chose, he could triumphantly carry through my case, (I long had the strongest reasons for supposing that,) and again, usually on the same page, asserted that he could as easily destroy it.

For the information of all those, however, whose opinions, formerly favourable to me and my claims, may have been shaken by the defamatory letters received by them from this person, I feel myself called upon thus publicly to state, that as I have numerous old and kind friends, who could and would, were it necessary, vouch for the upright and honourable tenor of my actions through life, I may safely affirm, that this person's calumnies are pure invention, and as such, deserve to be viewed with contempt. It is proper that the public at the same time should understand, that so far from my having ever given him the slightest provocation or just cause of enmity, I and my family, during the eleven years that he was employed as my agent, did every thing in our power, by repeated attentions, acts of kindness and real services, to attach him to our cause, believing, notwithstanding the reports of his conduct towards others, that he was sincerely desirous of discharging his duty zealously towards us. In 1826, I gave him the strongest proof of my intention most amply to reward his services if he continued faithful, by executing deeds in his favour, which he still holds; and though I am assured he dares to maintain, that I had no other object in doing so than to deceive him, my family and most intimate friends are perfectly aware how anxiously I looked forward to the fulfilment of what these deeds engaged me to. Some of the plans that he formed by the assistance of persons of worthless principles and character were of the most wicked sort. They had a double object,—the extorting of money or securities from me, and far worse than that, the ruin of the character and respectability of my family, by endeavouring to entangle them in their own schemes. To accomplish these ends, false names were adopted, and introductions from persons of rank and reputation in the world; and I have been informed, that nothing can equal the rage and disappointment of those beings, and that their hatred seeks to revenge itself, for the failure of their plans, in the most horrible calumnies. I am greatly indebted to some friends for the disclosures they have made to me, in reference to the person I have chiefly had occasion to notice; but I could

have wished that they, despising the ordinary way of the world, under such circumstances, had boldly come forward at the first, and declared his true character, instead of leaving to me and my family the uncertain task of ascertaining the disreputable or dangerous qualities of a man, whom all by their timid silence appeared to approve. I have heard now, indeed, though late, that my employing him was considered at the Public Offices as certain ruin to my case, and it has been also considered wonderful that I could have extricated myself from him; and when I look back and compare his correspondence of former years with the information since conveyed to me, I see a thousand mysterious circumstances explained that it never was before in my power to account for. Recent proceedings in Scotland, to which sufficient allusion has already been made, and the exasperating conduct of this vindictive person, who, it seems, is closely leagued with the parties or their agents, and the counsellor of their obnoxious measures, compel this lengthy notice of him. I should have infinitely preferred consigning him and all his acts for ever to oblivion; but such extraordinary reports continue to be made to me of the treatment my family in my absence experienced, *even in Scotland*, arising out of the slanders caused to be spread by his correspondents, that I could not refrain from making the statement. He has been heard to express the bitterest sarcasms, and to avow his hatred of me in terms which disgusted those he addressed himself to, and which proved the truth of the remark, that "the wicked hate those they have injured." *

I have alluded elsewhere to the chance of a judgment being pronounced in the Court of Session last term, as one of the causes which influenced me to suspend awhile the publication of my present work. So much, however, required to be done in a short time after the restored document was received, for the perfect verification of the signatures upon it, that my friends completed their labours rather too late in the month; and the consequence was, that on moving the Court to circumduce the term for proving, and to appoint parties to debate, (plead,) the counsel for the Officers of State, according to their custom, not approving of *a march at quick time*, opposed the motion. When required to state their reasons, they alleged, that they should have evidence to lead;—an allegation which I feel fully warranted by past experience in treating as a mere subterfuge, recurred to for the sole purpose of gaining time. The learned Judge, on the principle of impartial justice, could not do otherwise than allow the cause to stand over till November.

Happily, my Narrative need not await the end of proceedings in Scotland. Its main

* I cannot finish this notice of him, without requesting those who may imagine that I am too hard upon a man who was so many years employed by me, to satisfy themselves as to his true disposition, by referring to his numerous genealogical works and his political writings, but especially to his pamphlets against other families; and let his dedications to illustrious individuals, his attacks on the noble houses of Howard, Lascelles, Courtenay, &c. and the opinion of the College on Bennet's Hill, establish whether the statement of his own relatives respecting him be not founded on a perfect knowledge of his general conduct.

objects are wholly independent of, and unconnected with them. It can appear with equal, indeed with greater propriety *before*, than *after* any decision of the Scotch Judges. This, I am persuaded, every attentive reader will at once admit; and I might have passed without inconvenience from the consideration of what occurred in the Lord Ordinary's court, on the occasion in question, to other subjects, had it not appeared to me that the manoeuvre, by which my opponents have obtained a further suspension of final judgment, ought to be submitted to some examination.

I think it has been clearly shewn in the Narrative that my being a British subject, claiming no more than what was in law and justice my own, was viewed by the Government of this great country as giving me no title to its fostering care and protection, nor even so much as common courtesy in the manner of treating me. No, after spurning me from them on every renewed application, the leading members of the Government had recourse, at the suggestion of some concealed enemy of mine, to an action of reduction of my services and to the plea, as the chief ground of the whole proceeding, in which recently they have signally failed. It might have been with reason expected that such a failure of the object on which their hopes of destroying me principally rested, would have satisfied them of the uselessness of protracted litigation; but, on the contrary, they seem as intent on it as ever.

Let me ask, what can be the object of the Crown or Government in delay? Is it that their case has been strengthened by it? No. Have they any case at all, without the infamous plea which they failed to substantiate? No. What then do they expect from prolonging the suit? To ruin me by its expenses,—to wear me out,—to destroy my energies,—to drive me to madness or despair. Yes, I have no hesitation in declaring that I firmly believe such are the real views of the Government, or of "that complex person "called the State," in his dealings with me.

The words I have just quoted are from a very remarkable and clever article in the Standard newspaper, written on the occasion of Mr Warburton's speech, a few weeks since, in the House of Commons, on presenting the petition of Catherine Robson and Isabella Ainsley, the heiresses of the late Mr Samuel Troutbeck of Madras. Grave indeed are the reflections to which that speech, and the able article of the Standard upon it, give rise. I fear there never was drawn a truer character of the State, *alias* the Government of Great Britain. "That complex person" is brought before the mind's eye in all his hideous deformity. We see "this abominable rogue," and at once recognise in him the "bad neighbour," the "niggard master," the "dishonest, harsh, griping "and ungenerous" person, who "never pays a debt if he can help it, nor surrenders "any thing of which he is in possession, without having recourse to every dilatory and "vexatious expedient." But the reasons of so much roguery and bad faith are described by the writer of the article in question, to be hatred of "*trouble and responsi-*" *bility*" felt by the managers for the State; their belief that, "to encourage or connive

" at claims upon the public purse, though never so well founded, would be to invite no " small share of trouble and responsibility. They therefore assign the consideration " of all claims upon them to the lawyers; and every one must see what the effect is when " lawyers get into their hands a defensive case, maintained and provisioned by the Trea- " sury, and armed with all those outworks and defences, not contrived for the protec- " tion of nations, but of the poorest individuals,—all must see what is the effect when " lawyers get such a post so well sustained to hold out against an unfriended, and it " may be, a pennyless plaintiff," &c. Again, the writer wishes it to be remembered, that it is thought no disgrace to " a minister to be hard-hearted. On the other hand, " what would be the infamy of an individual grasping money *quocunque modo*, is too " often regarded as a merit in a financier," &c.

What a portrait of " *the complex person.*" I believe no one who reads the Standard will think that I have written too much or too harshly respecting *his dealings with me*, nor will any who honour this Narrative with their consideration think so, after perusing the foregoing extracts. If it be true, as stated by the writer of the article, that, *to avoid* " *trouble and responsibility*," the " managers for the State," or, in other words, the ministers appointed by the King to conduct the affairs of the kingdom, and who, by virtue of the offices they hold, are each and all responsible for their acts, and are paid for the *trouble* they are bound to take in the administration of Government, yet shrink from their highest duties because they " *hate trouble and responsibility*," then assuredly they ought to be called to a severe account, and as unjust stewards of the country, be punished as they deserve. Can any thing more atrocious be conceived than the turning over to merciless lawyers the claims of an individual justly entitled to property, which that complex person, the State, has wrongfully, and by an abuse of power during the incapacity of the righteous owner, got possession of, because, were they themselves to do their duty honestly and according to justice, they would " invite no small " share of trouble and responsibility?" For what then are they honoured by the Sovereign with dignity, power, influence and all the attributes of government? Is it only to gratify their vanity, and enable them to play the part of tyrants?

In my case, however much these managers for the State dislike *trouble*, it is very certain they have taken trouble enough to harass, to injure, to insult, to persecute, to destroy me. Their conduct is infinitely worse, because, in my repeated overtures to them, I have endeavoured to convince them of the moderation of my views, and to shew that an adjustment of my claims could have been effected, without making a call upon the nation for any large sums of money, or putting themselves to any great expense of time or trouble.

I have not only thus bitterly to complain of *the managers for the State of England* in their dealings with me; the *consequences* of their injustice affect my honour and peace most seriously in various other ways, and in none more so than by the encourage-

ment it gives to the knot of conspirators, described in my Narrative, whose persecutions have been unceasing ever since the Government attacked me. Scarcely has the Scottish law term ended, and the fact that judgment of the Court of Session cannot be had before November become known to some of those parties, than fresh efforts are made to overwhelm me during suspension of the proceedings. Amongst other means resorted to, the individual particularly noticed before as acting like an infuriated maniac, has recommenced his system of writing to my friends, making in his letters the most false and defamatory statements respecting me, and hazarding assertions about my descent, my evidence, and the imagined difficulty of proving the tenor of the charter of 1639, which my new discoveries will enable me at a convenient season to do. In the meantime, he is to be found connected with others actively engaged in schemes, (of the infamous nature of which I have been most unexpectedly and fortunately apprised,) for the purpose of still more protracting the litigation, in the vain hope that time may effect the destruction of a family, whom he seems to hate in proportion to the kindnesses he has received from them. He may rest assured that, sooner than he at present believes, measures will be taken to bring his whole conduct respecting me before a competent tribunal, where it will depend upon the wisdom and justice of the presiding Judge, to pronounce upon the case that will be laid before him. It will then be seen how far *I* have broken any written contract, or failed to perform any engagement with that reckless, malignant man. He has himself supplied me with the means of refutation of all his calumnies, and of proving the extent of his revengeful acts against me. The course he is pursuing renders it now absolutely necessary to protect himself from its continuation by such an appeal to a court of law. I should have done so much sooner, but was averse to any extreme measures while there was the slightest chance of his desisting from his unprovoked attacks upon me.

A little more than four years ago, the same man expressed himself thus on the subject of my case, and respecting me :

" The endeavours of malevolence have been most active to misrepresent his right of " succession, to detract from his indubitable evidence in support thereof, and to asperse " his character personally, with the most illiberal, invidious and contumelious reflec- " tions. Convinced of the propriety of the grounds on which the Earl of Stirling re- " sumed the rank of his ancestors ; confident in the ample, genuine and legal proofs of " which he is possessed, to shew and maintain his descent ; and confirmed in my opinion " by the similar sentiment of several barristers of high professional practice and know- " ledge who have been consulted and advised with, I have been induced to the compila- " tion of this pamphlet," &c.

It will appear almost incredible, that a person who could write of me and my case in such terms at the period in question, and in language equally strong on many other occasions, should have been capable of turning round, and have adopted a line of conduct

so opposite, and observations so contrary, as to call upon me, though with the utmost pain to myself, to expose the one, and repel the other.

SECOND POSTSCRIPT.

September 1836.

I cannot permit this work to go forth to the public without soliciting attention to a few additional particulars which have just come to my knowledge, and which throw an unexpected light upon the dark schemes and the real motives of a powerful family, whose opposition, from an early period, has been violently manifested on every favourable opportunity. The chief of the family in question has no possible right of claim to the titles or estates of the house of Stirling,—no interest whatsoever in any thing that concerns me or mine,—no cause of hostility or hatred, since we never gave him or any of his, provocation,—never offended or thought of offending,—never attempted to do them an injury, and, indeed, never noticed their acts or those of their unprincipled agents, but when compelled to do so, to protect ourselves from their wanton and lawless attacks. Yet have these persons been untired in malignity, active at all times in doing mischief, in stirring up the great and powerful, as well as the lowly and contemptible, to all imaginable persecution, insult, and injury, *in the avowed hope of destroying me.* No one acquainted with them has ever been able to account to me for their extraordinary conduct, or to assign a single reason worth my attention for their fiendish hate.

It appeared necessary thus to premise what I have now to mention, lest motives similar to their own should peradventure be attributed to me by some unscrupulous censurer. To such appreciations of *my* actions I would, however, as boldly as indignantly reply, " No, my principles and feelings partake not of malignity, or revenge, or " pride, or hatred. I should be ashamed to think or act in any way unbecoming my " character, and that station of life which I was born to occupy. I abandon to the " worldly slanderer, to the time-serving flatterer, to the cowardly detractor from others' " fame, that course which is pursued most naturally by them, and by the low-minded " ruffian who fulfils the evil behests of " *the foul fiend,*" to whom he has given himself " up, both in body and soul." What will the world think, then, of a man of high rank, vast wealth, powerful connexion and influence, recently—yes, I am assured, very recently—speaking of *me as the object of his hate, and publicly avowing his determination never to desist from opposition to me until he can effect my own and my family's destruction?*

This explosion of the noble person's violent feelings having been reported to one of

my sons but a few days since, I feel that I *must* so far notice the statement, as that, *should it be a calumny*, the noble individual in question may have an opportunity of declaring it to be such; and that should it be, in substance at least, *true*, he may know that I am unappalled by his violence and threats. He will find in me what, perhaps, past occurrences, and the modes of misrepresentation adopted by the wretches who deceived, and those who conspired against me, have made him suppose I could not possess,—I mean, *sufficient energy and courage to defend my position against such warfare.*

To add more on the above subject at present would be wrong. I have already alluded to the failure of the attempt to blast my character by the infamous charge of forgery; and shall further merely observe, that the result of the proof served only the more to confirm the genuineness of my documentary evidences; which indeed is so manifest, that the advisers of the Crown have not ventured to report the proof into Court. Notwithstanding all this, however, its over-zealous agents, my readers will not now feel surprise to learn, as actively engaged as ever in their vocation of misleading the public, have not scrupled to misrepresent what took place, and in what manner the investigation so signally broke down.

In conclusion, I just wish to throw out the hint to certain individuals, that I appreciate their worldly estimation of my own and my family's sufferings, as such manifestation deserves. *We* are above the meannesses and the time-serving of such people, and shall firmly hold on the tenor of our course despite their feelings or behaviour. " This " is our brazen wall of defence, To be conscious of no crime, and to turn pale at no " accusation." While we look forward to the coming change in our position, and confidently rely on a complete revulsion of public feeling, we do not forget, that " La " patience est amère; mais le fruit en est doux."

APPENDIX.

No. I.

Original Charter in favour of Sir William Alexander, Knight, of the Province of Nova Scotia, in America.

JACOBUS Dei gratia Magnae Britanniae Franciae et Hyberniae Rex &c. Fideique Defensor Omnibus probis hominibus totius terrae suae clericis et laicis salutem Sciatis nos semper ad quamlibet quae ad decus et emolumentum regni nostri Scotiae spectaret occasionem amplectandum fuisse intentos nullamque aut faciliorem aut magis innoxiam acquisitionem censere quam quae in exteris et incultis regnis ubi vitae et victui suppetunt commodo novis deducendis coloniis facta sit praesertim si vel ipsa regna cultoribus prius vacua vel ab infidelibus quos ad Christianam converti fidem ad Dei gloriam interest plurimum insessa fuerunt sed cum et alia nonnulla regna et haec non ita pridem nostra Anglia laudabiliter sua nomina novis terris acquisitis et a se subactis indiderunt quam numerosa et frequens Divino beneficio haec gens hac tempestate sit nobiscum reputantes quamque honesto aliquo et utili cultu eam studiose exerceri ne in deteriora ex ignavia et otio prolabatur expediat plerosque in novam deducendos regionem quam coloniis compleant operae pretium duximus qui et animi promptitudine et alacritate corporumque robore et viribus quibuscunque difficultatibus si qui alii mortalium uspiam se audeant opponere hunc conatum huic regno maxime idoneum inde arbitramur quod virorum tantummodo et mulierum jumentorum et frumenti non etiam pecuniae transvectionem postulat neque incommodam ex ipsius regni mercibus retributionem hoc tempore cum negotiatio adeo imminuta sit possit reponere hisce de causis sicuti et propter fidele et gratum dilecti nostri consiliarii Domini Willelmi Alexandri equitis servitium nobis praestitum et praestandum qui propriis impensis ex nostratibus primus externam hanc coloniam ducendam conatus sit diversasque terras infra-designatis limitibus circumscriptas incolendas expetiverit NOS IGITUR ex regali nostra ad Christianam religionem propagandam et ad opulentiam prosperitatem pacemque naturalium nostrorum subditorum dicti regni nostri Scotiae acquirendam cura sicuti alii principes extranei in talibus casibus hactenus fecerunt cum avisamento et consensu praedilecti nostri consanguinei et consiliari Joannis Comitis de Mar Domini Erskyn et Gareoch &c. summi nostri thesaurarii computorum rotulatoris collectoris ac thesaurarii novarum nostrarum augmentationum hujus regni nostri Scotiae ac reliquorum dominorum nostrorum commissionariorum ejusdem regni nostri Dedimus concessimus et disposuimus tenoreque praesentis cartae nostrae Damus concedimus et disponimus praefato Domino Willelmo Alexander haeredibus suis vel assignatis quibuscunque haereditarie Omnes et singulas terras continentis ac insulas situat et jacen in America intra caput seu pro-

No. I.

Charter of Nova Scotia. 1621.

James, by the Grace of God, of Great Britain, France and Ireland, King, &c. and Defender of the Faith, To all good men of all his territories, clergy and laity, greeting. Know ye, that we have always been intent on embracing every occasion which might tend to the honour and advantage of our kingdom of Scotland, and that we are of opinion that no acquisition is more easy, or less hurtful, than that which is made by planting new colonies in foreign and uncultivated countries, where commodities of life and food are ready at hand, especially if either those same countries have been heretofore destitute of cultivators, or have been inhabited by infidels, whose conversion to the Christian faith very much redounds to the glory of God; but seeing that both some other kingdoms, and not long since this our kingdom of England, have laudably given their own names to new lands, by them acquired and conquered, reflecting with ourselves how, by Divine beneficence, this nation is, at this time, numerous and thronged, and how expedient it is that it should be studiously exercised in some honest and useful employment, lest, by indolence, and lack of employment, it lapse into evil, it may be expedient, and we have thought it worthy of endeavour, that many should be conveyed to a new country, which they may fill with colonies, who, both by promptitude and alacrity of mind, and by strength and power of body, may dare, if any other mortals elsewhere may, to encounter any difficulties, we think this endeavour herein especially useful for this kingdom, because it requires only transport of men and women, beasts of burden and corn, not also of money, and may not make a disadvantageous return from the merchandise of the kingdom itself at this time, when trade is so diminished, as to its returns: For these causes, as well as on account of the faithful and acceptable service of our beloved counsellor, Sir William Alexander, Knight, to us rendered, and to be rendered, who, first of our subjects, at his own expense, endeavoured to plant this foreign colony, and sought out for colonization the divers lands circumscribed by the limits herein-after designated. We, therefore, out of our royal care for the propagation of the Christian religion, and for promoting the opulence, prosperity, and peace of our natural subjects of our said kingdom of Scotland, as other foreign princes have heretofore done in such cases, with the advice and consent of our right well-beloved cousin and counsellor, John, Earl of Mar, Lord Erskyn and Gareoch, &c. our High Treasurer, Comptroller, Collector, and Treasurer, of our new augmentations of this our kingdom of Scotland, and of the other Lords, our Commissioners of the same our kingdom, have given, granted, and disposed, and, by the tenor of our present charter, do give, grant, and dispose to the aforesaid Sir William Alexander, his heirs or assigns, whomsoever, hereditarily, all and singular the continent-lands and islands, situate and lying in America, within the cape or promontory, com-

montorium communiter Cap de Sable appellat jacen prope latitudinem quadraginta trium graduum aut eo circa ab equinoctiali linea versus septentrionem a quo promontorio versus littus maris tenden ad oocidentem ad stationem navium Sanctae Mariae vulgo *Santmareis bay* et deinceps versus septentrionem per directam lineam introitum sive ostium magnae illius stationis navium trajicien quae excurrit in terrae orientalem plagam inter regiones Suriquorum ac Stecheminorum vulgo *Suriquois* et *Stechemines* ad fluvium vulgo nomine Sanctae Crucis appellat et ad scaturiginem remotissimam sive fontem ex occidentali parte ejusdem qui se primum praedicto fluvio immiscit unde per imaginariam directam lineam quae pergere per terram seu currere versus septentrionem concipietur ad proximam navium stationem fluvium vel scaturiginem in magno fluvio de Canada sese exonerantem et ab eo pergendo versus orientem per maris oras littorales ejusdem fluvii de Canada ad fluvium stationem navium portum aut littus communiter nomine de Gathepe vel Gaspie notum et appellatum et deinceps versus euronotum ad insulas Bacalaos vel Cap Britton vocat relinquendo easdem insulas a dextra et voraginem dicti magni fluvii de Canada sive magnae stationis navium et terras de Newfundland cum insulis ad easdem terras pertinentibus a sinistra et deinceps ad caput sive promontorium de Cap Britton praedict jacen prope latitudinem quadraginta quinque graduum aut eo circa et a dicto promontorio de Cap Britton versus meridiem et occidentem ad praedict Cap Sable ubi incepit perambulatio includen et comprehenden intra dictas maris oras littorales ac earum circumferentias a mari ad mare omnes terras continentis cum fluminibus torrentibus sinubus littoribus insulis aut maribus jacen prope aut intra sex leucas ad aliquam earundem partem ex occidentali boreali vel orientali partibus orarum littoralium et praecinctuum earundem et ab euronoto (ubi jacet Cap Britton) et ex australi parte ejusdem (ubi est Cap de Sable) omnia maria ac insulas versus meridiem intra quadraginta leucas dictarum orarum littoralium earundem magnam insulam vulgariter appellat Ile de Sable vel Sablon includen jacen versus Carban vulgo south-south-eist circa triginta leucas a dicto Cap Britton in mari et existen in latitudine quadraginta quatuor graduum aut eo circa Quaequidem terrae praedict omni tempore affuturo nomine Novae Scotiae in America gaudebant quas etiam praefatus Dominus Willelmus in partes et portiones sicut ei visum fuerit dividet eisdemque nomina pro bene placito imponet Una cum omnibus fodinis tam regalibus auri et argenti quam aliis fodinis ferri plumbi cupri aeris stanni aliisque mineralibus quibuscunque cum potestate effodiendi ac de terra effodere causandi purificandi et repurgandi easdem et convertendi ac utendi suo proprio usui aut aliis usibus quibuscunque sicuti dicto Domino Willelmo Alexander haeredibus suis vel assignatis aut iis quos suo loco in dictis terris stabilire ipsum contigerit visum fuerit (Reservando solummodo nobis et successoribus nostris decimam partem metalli vulgo *oore* auri et argenti quod ex terra in posterum effodietur aut lucrabitur) Relinquendo dicto Domino Willelmo suisque praedict quodcunque ex aliis metallis cupri chalibis ferri stanni plumbi aut aliorum mineralium nos vel successores nostri quovismodo exigere possumus ut eo facilius magnos sumptus in extrahendis praefatis metallis tolerare possit Una cum margaritis vulgo

monly called Cap de Sable, lying near the latitude of forty-three degrees, or thereabout, from the equinoctial line, northward, from which promontory, toward the sea-coast, verging to the west, to the harbour of Sancta Maria, commonly called Sanctmareis Bay, and thence northward, traversing, by a right line, the entrance or mouth of that great naval station, which runs out into the eastern tract of the land between the countries of the Suriqui and Stechemini, commonly called *Suriquois* and *Stechemines*, to the river commonly called by the name of Santa Crux, and to the remotest source or fountain on the western side of the same, which first discharges itself into the aforesaid river, and thence, by an imaginary right line, which might be conceived to proceed through the land, or to run northward to the nearest naval station, river, or source, discharging itself into the great river of Canada, and proceeding from it by the sea shores of the same river of Canada, eastward to the river, naval station, port, or shore, commonly known and called by the name of Gathepe, or Gaspie, and thence south eastward to the islands called Baccalaoes, or Cap Britton, leaving the same islands on the right, and the gulf of the said great river of Canada, or great naval station, and the lands of Newfoundland, with the islands pertaining to the same lands, on the left, and thence to the cape or promontory of Cap Britton aforesaid, lying near the latitude of forty-five degrees, or thereabout, and from the said promontory of Cap Britton, toward the south and west to the aforesaid Cap Sable, where the circuit began, including and comprehending within the said sea-coasts, and their circumferences, from sea to sea, all continent-lands, with rivers, torrents, bays, shores, islands, or seas, lying near, or within six leagues to any part of the same, on the western, northern, or eastern parts of the coasts, and precincts of the same, and on the south-east, (where Cap Britton lies,) and on the southern part of the same, (where Cap de Sable is,) all seas and islands towards the south, within forty leagues of the said sea coasts of the same, including the great island, commonly called Isle de Sable, or Sablon, lying towards the Carbas, south-south-east, about thirty leagues from the said Cap Britton, in the sea, and being in the latitude of forty-four degrees, or thereabout: Which lands aforesaid, in all time to come, shall enjoy the name of Nova Scotia, in America, which also the aforesaid Sir William shall divide into parts and portions, as to him may seem meet, and give names to the same, according to his pleasure; together with all mines, as well royal of gold and silver, as other mines of iron, lead, copper, brass, tin, and other minerals whatsoever, with power of digging them, and causing them to be dug out of the earth, of purifying and refining the same, and converting and using them to his own proper use, or to other uses whatsoever, as to the said Sir William Alexander, his heirs or assigns, or those whom it shall have happened that he shall have established in his stead, in the said lands, shall seem meet. (Reserving only for us and our successors the tenth part of the metal, commonly called ore of gold and silver, which hereafter shall be dug up or gained.) Relinquishing to the said Sir William, and his aforesaids, whatsoever of other metals, copper, steel, iron, tin, lead, or other minerals, we, or our successors, can in any wise claim, that he may by so much the more easily bear the great expenses of extracting the aforesaid metals: Together with the margarites, commonly called *pearle*,

pearle ac lapidibus praeciosis quibuscunque aliis lapicidinis silvis virgultis mossis marresiis lacubus aquis piscationibus tam in aqua salsa quam recenti tam regalium piscium quam aliorum venatione aucupatione commoditatibus et haereditamentis quibuscunque Una cum plenario jure privilegio et jurisdictione liberae regalitatis capellae et cancellariae imperpetuum cumque donatione et patronatus jure ecclesiarum capellaniarum et beneficiorum cum tenentibus tenandriis et libere tenentium servitiis earundem una cum officiis justiciariae et admiralitatis respective infra bondas respective supra mentionat Una cum potestate civitates liberos burgos liberos portus villas et burgos baroniae erigendi et fora et nundinas infra bondas dict terrarum constituendi curias justiciariae et admiralitatis infra limites dict terrarum fluviorum portuum et marium tenendi una etiam cum potestate imponendi levandi et recipiendi omnia tolonia custumas anchoragia aliasque dict burgorum fororum nundinarum et liberorum portuum devorias et eisdem possidendi et gaudendi adeo libere in omnibus respectibus sicuti quivis baro major aut minor in hoc regno nostro Scotiae gavisus est aut gaudere poterit quovis tempore praeterito vel futuro cum omnibus aliis praerogativis privilegiis immunitatibus dignitatibus casualitatibus proficuis et devoriis ad dictas terras maria et bondas earundem spectan et pertinen et quae nos ipsi dare vel concedere possumus adeo libera et ampla forma sicuti nos aut aliquis nostrorum nobilium progenitorum aliquas cartas patentes literas infeofamenta donationes ant diplomata concesserunt cuivis subdito nostro cujuscunque qualitatis aut gradus cuivis societati aut communitati tales colonias in quascunque partes extraneas deducenti aut terras extraneas investiganti in adeo libera et ampla forma sicut eadem in hac praesenti carta nostra insereretur Facimus etiam constituimus et ordinamus dictum Dominum Willelmum Alexander haeredes suos aut assignatos vel eorum deputatos nostros HÆREDITARIOS LOCUM TENENTES generales ad representandum nostram personam regalem tam per mare quam per terram in regionibus maris oris ac finibus praedict in petendo dict terras quamdiu illic manserit ac redeundo ab eisdem ad gubernandum regendum et puniendum omnes nostros subditos quos ad dictas terras ire aut easdem inhabitare contigerit aut qui negotiationem cum eisdem suscipient vel in eisdem locis remanebunt ac eisdem ignoscendum et ad stabiliendum tales leges statuta constitutiones directiones instructiones formas gubernandi et magistratuum ceremonias infra dictas bondas sicut ipsi Domino Willelmo Alexander aut ejus praedict ad gubernationem dictae regionis et ejusdem incolarum in omnibus causis tam criminalibus quam civilibus visum fuerit et easdem leges regimina formas et ceremonias alterandum et mutandum quoties sibi vel suis praedictis pro bono et commodo dictae regionis placuerit ita ut dictae leges tam legibus hujus regni nostri Scotiae quam fieri possunt sint concordes Volumus etiam ut in casu rebellionis aut seditionis legibus utatur militaribus adversus delinquentes vel imperio ipsius sese subtrahentes adeo libere sicuti aliquis locum tenens cujusvis regni nostri vel dominii virtute officii locum tenentis habent vel habere possunt excludendo omnes alios officiarios hujus regni nostri Scotiae terrestres vel maritimos qui in posterum aliquid jurisclamei commoditatis authoritatis aut interesse in et ad dict terras aut

and other precious stones whatsoever, stone quarries, woods, coppices, mosses, marshes, lakes, waters, fisheries, as well in salt water as in fresh, as well of royal fishes as of others, chases, decoys, commodities, and hereditaments whatsoever: Together with full power, privilege, and jurisdiction of free regality of chapel and chancery, in perpetuity; and with right of donation, and patronage of churches, chapelries, and benefices, with the tenants, tenandries, and services of free tenants, of the same, together with the offices of justiciary and admiralty respectively, within the boundaries respectively above mentioned: Together with power of erecting cities, free burghs, free ports, villas, and burghs of barony, and of appointing fairs and markets, within the boundaries of the said lands, of holding courts of justiciary and admiralty, within the limits of the said lands, rivers, ports, and seas, together also with power of imposing, levying, and receiving all tolls, customs, anchorages, and other duties of the said burghs, fairs, markets, and free ports; and of possessing and enjoying the same, as freely, in all respects, as any greater or lesser Baron in this our kingdom of Scotland hath enjoyed, or shall be able to enjoy, at any time, past or future, with all other prerogatives, privileges, immunities, dignities, casualties, profits, and duties, belonging and pertaining to the said lands, seas, and the boundaries of the same; and which we ourselves have power to give or grant, in form as free and ample, as we, or any of our noble progenitors, have granted any charters, letters-patent, infeftments, donations, or diplomas, to any one of our subjects, of what quality or degree soever, to any company or community planting such colonies in foreign parts whatsoever, or exploring foreign lands, in form as free and ample as if the same were inserted in this our present charter. We make also, constitute, and ordain the said Sir William Alexander, his heirs or assigns, or their deputies, our Hereditary Lieutenants-General, to represent our royal person, as well by sea as by land, in the regions, sea-coasts, and boundaries aforesaid, in voyaging to the said lands, so long as he shall tarry there, and in returning from the same; to govern, rule, and punish all our subjects who shall have chanced to go to the said lands, or to be inhabiting the same, or who shall have entered into trade with the same, or shall sojourn in the same places; and to grant pardon to the same, and to establish such laws, statutes, constitutions, directions, instructions, forms of government, and ceremonies of magistracies within the said boundaries, as to him, Sir William Alexander, or his aforesaid, for the government of the said region, and the inhabitants of the same, in all causes, as well criminal as civil, it shall seem meet; and to alter and change the same laws, regulations, forms and ceremonies, as often as to himself or to his aforesaid, for the good and advantage of the said region, shall be pleasing; so that the said laws be as consonant to the laws of this our kingdom of Scotland as they can be made. We will, also, that in case of rebellion or sedition he may use martial law against delinquents, or persons revolting from his command, as freely as any Lieutenant of any of our kingdoms or lordships have, or can have, by virtue of the office of Lieutenant, excluding all other officers of this our kingdom of Scotland, as well of the land as of the seas, who hereafter may pretend any claim of right, commodity, authority or interest, in and to the said lands, or the province afore-

provinciam praedict vel aliquam inibi jurisdictionem virtute alicujus praecedentis dispositionis aut diplomatis praetendere possunt Et ut viris honesto loco natis sese ad expeditionem istam subeundam et ad coloniae plantationem in dictis terris addatur animus nos pro nobis nostrisque haeredibus et successoribus cum avisamento et consensu praedict virtute praesentis cartae nostrae damus et concedimus liberam et plenariam potestatem praefato Domino Willelmo Alexander suisque praedict conferendi favores privilegia munia et honores in demerentes cum plenaria potestate eisdem aut eorum alicui quos cum ipso Domino Willelmo suisque praedict pactiones vel contractus facere pro eisdem terris contigerit sub subscriptione sua vel suorum praedict et sigillo infra mentionato aliquam portionem vel portiones dictarum terrarum portuum navium stationum fluviorum aut praemissorum alicujus partis disponendi et extradonandi erigendi etiam omnium generum machinas artes facultates vel scientias aut easdem exercendi in toto vel in parte sicuti ei pro bono ipsorum visum fuerit Dandi etiam concedendi et attribuendi talia officia titulos jura et potestates constituendi et designandi tales capitaneos officiarios balivos gubernatores clericos omnesque alios regalitatis baroniae et burgi officiarios aliosque ministros pro administratione justiciae infra bondas dictarum terrarum aut in via dum terras istas per mare petunt et ab eisdem redeunt sicuti ei necessarium videbitur secundum qualitates conditiones et personarum merita quos in aliqua coloniarum dictae provinciae aut aliqua ejusdem parte habitare contigerit aut qui ipsorum bona vel fortunas pro commodo et incremento ejusdem periculo committent et eosdem ab officio removendi alterandi et mutandi prout ei suisque praescript expediens videbitur Et cum hujusmodi conatus non sine magno labore et sumptibus fiunt magnamque pecuniae largitionem requirant adeo ut privati cujusvis fortunas excedant et multorum suppetiis indigeant ob quam causam praefatus Dominus Willelmus Alexander suique praescript cum diversis nostris subditis aliisque pro particularibus periclitationibus et susceptionibus ibidem qui forte cum eo suisque haeredibus assignatis vel deputatis pro terris piscationibus mercimoniis aut populi transportatione cum ipsorum pecoribus rebus et bonis versus dictam Novam Scotiam contractus inibunt volumus ut quicunque tales contractus cum dicto Domino Willelmo suisque praescript sub ipsorum subscriptionibus et sigillis expedient limitando assignando et affigendo diem et locum pro personarum bonorum et rerum ad navem deliberatione sub poena et forisfactura cujusdam monetae summae et eosdem contractus non perficient sed ipsum frustrabunt et in itinere designato ei nocebunt quod non solum dicto domino Willelmo suisque praedict prout esse praejudicio et nocumento verum etiam nostrae tam laudabili intentioni obstabit et detrimentum inferet tunc licitum erit praefato Domino Willelmo Alexander suisque praedict vel eorum deputatis et conservatoribus inframentionatis in eo casu sibi suisve praedict quos ad hunc effectum substituet omnes tales summas monetae bona et res forisfactas per talium contractuum violationem assumere Quod ut facilius fiat et legum prolixitas evitetur dedimus et concessimus tenoreque praesentis cartae nostrae damus et concedimus plenariam licentiam libertatem et potestatem dicto Domino Willelmo suisque haeredibus et assignatis praedict eligendi nominandi assig-

said, or any jurisdiction therein, by virtue of any former disposition or diploma: And for encouragement of men of good birth to undertake that expedition, and the planting of a colony in the said lands, we, for ourselves, and our heirs and successors, with the advice and consent aforesaid, by virtue of our present charter, give and grant free and plenary power to the aforesaid Sir William Alexander, and his aforesaid, of conferring favours, privileges, charges and honours upon the deserving; with plenary power to the same, or any of them, who shall chance to make covenants or contracts with Sir William himself, and his aforesaid, for the same lands, under his signature, or the signature of his aforesaid, and the seal hereafter mentioned, of disposing and of subgranting any portion or portions of the said lands, ports, harbours, rivers, or of any part of the premises; also, of erecting machines, arts, faculties or sciences, or of exercising the same in whole or in part, as to him for their good shall seem meet: Also, of giving and granting, and attributing such offices, titles, rights and powers of appointing and designating such captains, officers, bailiffs, governors, clerks and all other officers of regality, barony and burgh, and other ministers for the administration of justice within the boundaries of the said lands, or on the voyage while they are sailing through the sea to those lands, and are returning from the same, as to him shall seem needful, according to the qualities, conditions and merits of the persons who shall happen to dwell in any of the colonies of the said province, or in any part of the same, or who shall adventure their goods or fortunes for the advantage of the same, and of removing from office, altering and changing the same, as shall seem expedient to him and his aforesaid: And since enterprises of this kind are not made without great labour and expense, and require great outlay of money, so that they go beyond the fortunes of any private person, and have need of the succours of many, by reason whereof the aforesaid Sir William Alexander, and his afore written, will enter into contracts for particular adventures and undertakings to the said place, with divers our subjects, and others who haply will (enter into contracts) with him and his heirs, assigns or deputies, for lands, fisheries, merchandise or transport of people, with their cattle, property and goods, toward the said Nova Scotia, we will, that whosoever shall execute such contracts with the said Sir William, and his afore written, under their signatures and seals, by limiting, assigning and fixing day and place for delivery on ship board, of persons, goods and property, under penalty and forfeiture of any sum of money, and shall not perform the same contracts, but shall disappoint him and damage him in the intended voyage, which not only will be as prejudice and damage to the said Sir William, and his aforesaid, but also will be an obstacle and detriment to our so laudable intention, then it shall be lawful to the aforesaid Sir William Alexander, and his aforesaid, or their deputies and conservators under mentioned, in that case, to take to himself or to his aforesaid, whom he shall substitute to this effect, all such sums of money, goods and property, as forfeited by violation of such contracts: For the more easy doing whereof, and that delay of law may be avoided, we have given and granted, and, by the tenor of our present charter, do give and grant to the said Sir William, and to his heirs and assigns foresaid, plenary licence, liberty and power of electing, nominating, assigning and ordaining a conservator of the liberties and

nandi ac ordinandi libertatum et privilegiorum per praesentem hanc nostram cartam sibi suisque praedict concessorum conservatorem qui expeditae executioni leges et statuta per ipsum suosque praedict facta secundum potestatem ei suisque praedict per dictam nostram cartam concessam demandabit volumusque et ordinamus potestatem dicti conservatoris in omnibus actionibus et causis ad personas versus dictam plantationem contrahentes spectantibus absolutam esse sine ulla appellatione aut procrastinatione quacunque quiquidem conservator possidebit et gaudebit omnia privilegia immunitates libertates et dignitates quascunque quae quivis conservator Scoticorum privilegiorum apud extraneos vel in Gallia Flandria aut alibi hactenus possiderunt aut gavisi sunt quovis tempore praeterito Et licet omnes tales contractus inter dictum Dominum Willelmum suosque praedict et praedictos periclitatores per periclitationem et transportationem populorum cum ipsorum bonis et rebus ad statutum diem perficientur et ipsi cum suis omnibus pecoribus et bonis ad littus illius provinciae animo coloniam ducendi et remanendi appellent et nihilominus postea vel omnino provinciam Novae Scotiae et ejusdem confinia sine licentia dicti Domini Willelmi ejusque praedict vel eorum deputatorum vel societatem et coloniam praedict ubi primum combinati et conjuncti fuerant derelinquent et ad agrestes aborigines in locis remotis et desertis ad habitandum sese conferent quod tunc amittent et forisfacient omnes terras prius iis concess omnia etiam bona infra omnes praedictas bondas et licitum erit praedicto Domino Willelmo suisque praedict eadem fisco applicare et easdem terras recognoscere eademque omnia ad ipsos vel eorum aliquem quovismodo spectantia possidere et suo peculiari usui suorumque praedict convertere Et ut omnes dilecti nostri subditi tam regnorum nostrorum et dominiorum quam alii extranei quos ad dictas terras aut aliquam earundem partem ad mercimonia contrahenda navigare contigerit melius sciant et obedientes sint potestati et authoritati per nos in praedictum fidelem nostrum consiliarum Dominum Willelmum Alexander suosque praedict collatae in omnibus talibus commissionibus warrantis et contractubus quos quovis tempore futuro faciet concedet et constituet pro decentiori et validiori constitutione officiariorum pro gubernatione dictae coloniae concessione terrarum et executione justiciae dictos inhabitantes periclitantes deputatos factores vel assignatos tangen in aliqua dictarum terrarum parte vel in navigatione ad easdem terras nos cum avisamento et consensu praedicto ordinamus quod dictus Dominus Willelmus Alexander suique praedict unum commune sigillum habebunt ad officium Locum tenentis justiciariae et admiralitatis spectan quod per dictum Dominum Willelmum Alexander suosque praedict vel per deputatos suos omni tempore futuro custodietur in cujus uno latere nostra insignia insculpentur cum his verbis in ejusdem circulo et margine Sigillum Regis Scotie Anglie Francie et Hybernie et in altero latere imago nostra nostrorumque successorum cum his verbis (Pro Nove Scotie Locum tenente) cujus justum exemplar in manibus ac custodia dicti conservatoris remanebit quo prout occasio requiret in officio suo utatur Et cum maxime necessarium sit ut omnes dilecti nostri subditi quotquot dictam provinciam Novae Scotiae vel ejus confinia incolent in timore Omnipotentis Dei et vero ejus cultu simul vivant omni conamine intentus Christianam religionem inibi stabilire pacem etiam et quietem cum

privileges granted to him, and his aforesaid, by this our present charter, who shall carry into expeditious execution the laws and statutes made by him, and his aforesaid, according to the power granted to him, and his aforesaid, by our said charter; and will and ordain that the power of the said conservator, in all actions and causes belonging to persons contracting to the said plantation, be absolute, without any appeal or procrastination whatsoever; which conservator shall possess and enjoy all privileges, immunities, liberties, and dignities whatsoever, which any conservator of Scottish privileges, in foreign nations, either in France, Flanders, or elsewhere, hitherto have possessed or enjoyed, in any time past: And although all such contracts between the said Sir William, and his aforesaid, and the aforesaid adventurers, shall be performed at the appointed day, by adventure and transport of people, with their goods and property, and they, with all their cattle and goods, shall arrive at the shore of that province, with the intention of planting a colony, and remaining; and, nevertheless, shall either entirely desert the province of Nova Scotia, and the confines of the same, without licence of the said Sir William, and his aforesaid, or their deputies, or the society and colony aforesaid, wherewith they were first combined and conjoined, and shall betake themselves to the savage Aborigines, to dwell in remote and desert places, that then they shall lose and forfeit all lands theretofore granted to them, and all goods within all the aforesaid boundaries; and it shall be lawful to the aforesaid Sir William, and his aforesaid, to confiscate the same, and to recover the same lands, and to possess all the same things which in any wise belong to them, or any of them, and to convert them to the peculiar use of himself and his aforesaid: And that all of our beloved subjects, as well of our kingdoms and dominions, as others, foreigners, who shall chance to navigate to the said lands, or any part of the same, for bargain of merchandise, may better know and be obedient to the power and authority conferred by us upon our aforesaid faithful counsellor, Sir William Alexander, and his aforesaid, in all such commissions, warrants, and contracts, which at any future time he shall make, grant, and constitute, for the more decent and valid appointment of officers for the government of the said colony, granting of lands, and execution of justice, touching the said inhabitants, adventurers, deputies, factors, or assigns, in any part of the aforesaid lands, or in navigation to the same lands, we, with the advice and consent aforesaid, ordain, that the said Sir William Alexander, and his aforesaid, shall have one common seal belonging to the office of Lieutenant of justiciary and admiralty, which shall be kept by the said Sir William Alexander, and his aforesaid, or by his deputies, in all time to come, on one side whereof our insignia shall be engraven with these words, in the circle and margin of the same, SIGILLUM REGIS SCOTIE ANGLIE FRANCIE ET HYBERNIE, and on the other the effigy of ourselves and our successors, with these words, PRO NOVE SCOTIE LOCUM TENENTE, of which an exact copy shall remain in the hands and custody of the said conservator, which he may use in his office, as occasion shall require: And since it is most necessary that all our loving subjects, as many as shall inhabit the said province of Nova Scotia, or its confines, may live together in the fear of Almighty God, and the true worship of him, we, intent upon establishing the Christian religion therein,

nativis incolis et agrestibus indigenis earum terrarum colere (unde ipsi et eorum quilibet mercimonia ibi exercentes tuti cum oblectamento ea quae magno cum labore et periculo acquisiverunt quiete possidere possint) nos pro nobis nostrisque haeredibus et successoribus volumus nobisque visum est per praesentis cartae nostrae tenorem dare et concedere dicto Domino Willelmo Alexander suisque praedict et eorum deputatis vel aliquibus aliis gubernatoribus officiariis et ministris quos ipsi constituent liberam et absolutam potestatem tractandi et pacem affinitatem amicitiam et mutua colloquia operam et communicationem cum silvestris illis aboriginibus et eorum principibus vel quibuscunque aliis regimen et potestatem in ipsos habentibus contrahendi observandi et alendi tales affinitates et colloquia quae ipsi vel sui praedict cum iis contrahent modo foedera illa ex adversa parte per ipsos silvestres fideliter observentur quod nisi fiat arma contra ipsos sumendi quibus redigi possunt in ordinem sicuti dicto Willelmo suisque praedict et deputatis pro honore obedientia et Dei servitio ac stabilimento defensione et conservatione authoritatis nostrae inter ipsos expediens videbitur Cum potestate etiam praedicto Domino Willelmo Alexander suisque praedict per ipsos vel eorum deputatos substitutos vel assignatos pro ipsorum defensione et tutela omni tempore et omnibus justis occasionibus in posterum aggrediendi ex inopinato invadendi expellendi et armis repellendi tam per mare quam per terram omnibus modis omnes et singulos qui sine speciali licentia dicti Domini Willelmi suorumque praedict terras inhabitare aut mercaturam facere in dicta Novae Scotiae provincia aut quavis ejusdem parte conabuntur et similiter omnes alios quoscunque qui aliquid damni detrimenti destructionis laesionis vel invasionis contra provinciam illam aut ejusdem incolas inferre praesumunt quod ut facilius fiat licitum erit dicto Domino Willelmo suisque praedict eorum deputatis factoribus et assignatis contributiones a periclitantibus et incolis ejusdem levare in unum cogere per proclamationes vel quovis alio ordine talibus temporibus sicuti dicto Domino Willelmo suisque praedict expediens videbitur omnes nostros subditos infra dictas limites dictae provinciae Novae Scotiae inhabitantes et mercimonia ibidem exercentes convocare pro meliori exercituum necessariorum supplemento et populi et plantationis dict terrarum augmentatione et incremento Cum plenaria potestate privilegio et libertate dict Domino Willelmo Alexander suisque praedict per ipsos vel eorum substitutos per quaevis maria sub nostris insigniis et vexillis navigandi cum tot navibus tanti oneris et tam bene munitione viris et victualibus instructis sicuti possunt parare quovis tempore et quoties iis videbitur expediens ac omnes cujuscunque qualitatis et gradus personas nostri subditi existentes aut qui imperio nostro sese subdere ad iter illud suscipiendum voluerint cum ipsorum jumentis equis bobus ovibus bonis et rebus omnibus munitionibus machinis majoribus armis et instrumentis militaribus quotquot voluerint aliisque commoditatibus et rebus necessariis pro usu ejusdem coloniae mutuo commercio cum nativis inhabitantibus earum provinciarum aut aliis qui cum ipsis plantatoribus mercimonia contrahent transportandi et

by every endeavour, and also upon cultivating peace and quiet with the native and wild original inhabitants of those lands, (whence they and every of them following merchandise there in safety may quietly possess, with enjoyment, those things which, with great labour and peril they have acquired,) we, for ourselves and our heirs and successors, do will, and it hath seemed good to us, by the tenor of our present charter, to give and grant to the said Sir William Alexander and his aforesaid, and their deputies or any others, governors, officers and ministers, whom they shall appoint, free and absolute power of treating and contracting peace, alliance, friendship and mutual conferences, help and communication with those wild Aborigines and their chiefs, or others whomsoever, having rule and power over them, of observing and cherishing such alliances and conferences, which they or their aforesaid shall contract with them, provided those compacts, on the other part, be faithfully observed by the savages themselves, unless which be done, of taking up arms against them, whereby they may be reduced to order: As to the said Sir William and his aforesaid, and deputies, for the honour, obedience and service of God, and the establishment, defence and conservation of our authority among them, shall seem expedient, with power also to the aforesaid Sir William Alexander, and his aforesaid, by themselves or their deputies, substitutes or assigns, for their defence and safeguard at all times, and on all just occasions hereafter, of attacking by surprise, going against, expelling and repelling with arms, as well by sea as by land, by all means, all and singular, those who, without special licence of the said Sir William, and his aforesaid, shall essay to inhabit the lands, or to carry on merchandise in the said province of Nova Scotia, or in any part of the same, and in like manner all others who presume to bring any damage, detriment, destruction, hurt, or invasion against that province, or the inhabitants of the same, that which may be more easily done, it shall be lawful for the said Sir William, and his aforesaid, their deputies, factors, and assigns, to levy contributions from the adventurers and inhabitants of the same, to make collection by proclamations, or by any other order, at such times as to the said Sir William, and his aforesaid, shall seem expedient, to convoke all our subjects inhabiting within the said limits of the said province of Nova Scotia, and carrying on merchandise there, for the better supply of the necessary armies, and the augmentation and increase of the people, and plantation of the said lands, with plenary power, privilege, and liberty, to the said Sir William Alexander, and his aforesaid, by themselves, or their substitutes, of navigating through any seas under our ensigns and flags, with as many ships, of as great burden, and as well furnished with ammunition, men, and victuals, as they can provide, at any time, and as often as to them shall seem expedient, and of transporting all persons, of whatever quality and degree, being our subjects, or who shall choose to submit themselves to our authority for the undertaking of that voyage, with their beasts of burden, horses, cattle, sheep, goods, and property, and munitions, engines, heavy arms, and military instruments, as many as they shall choose, and other commodities, and things necessary for the use of the said colony, in mutual commerce with the native inhabitants of those provinces, or with others who shall carry on merchandise with the planters themselves, and of importing thence all

omnes commoditates et mercimonia quae iis videbuntur necessaria in regnum nostrum Scotiae sine alicujus taxationis custumae aut impositionis pro eisdem solutione nobis vel nostris custumariis aut eorum deputatis inde portandi eosdemque ab eorum officiis in hac parte pro spatio septem annorum diem datae praesentis cartae nostrae immediate sequen inhibendo quamquidem solam commoditatem per spatium tredecim annorum in posterum libere concessimus tenoreque praesentis cartae nostrae concedimus et disponimus dicto Domino Willelmo suisque praedict secundum proportionem quinque pro centum postea mentionat Et post tredecim illos annos finitos licitum erit nobis nostrisque successoribus ex omnibus bonis et mercimoniis quae ex hoc regno nostro Scotiae ad eandem provinciam vel ex ea provincia ad dictum regnum nostrum Scotiae exportabuntur vel importabuntur in quibusvis hujus regni nostri portubus per dictum Willelmum suosque praedict tantum quinque libras pro centum secundum antiquam negotiandi morem sine ulla alia impositione taxatione custuma vel devoria ab ipsis imperpetuum levare et exigere quaequidem summa quinque librarum pro centum sic soluta per dict Dominum Willelmum suosque praedict aliisque nostris officiariis ad hunc effectum constitutis exinde licitum erit dicto Domino Willelmo suisque praedict eadem bona de hoc regno nostro Scotiae in quasvis alias partes vel regiones extraneas sine alicujus alterius custumae taxationis vel devoriae solutione nobis vel nostris haeredibus aut successoribus aut aliquibus aliis transportare et avehere proviso tamen quod dicta bona infra spatium tredecim mensium post ipsarum in quovis hujus regni nostri portu appulsionem navi rursus imponantur Dan et conceden absolutam et plenariam potestatem dicto Domino Willelmo suisque praedict ab omnibus nostris subditis qui colonias ducere mercimonia exercere aut ad easdem terras Novae Scotiae et ab eisdem navigare voluerint praeter dictam summam nobis debitam pro bonis et mercimoniis quinque libras de centum vel ratione exportationis ex hoc regno nostro Scotiae ad provinciam Novae Scotiae vel importationis a dicta provincia ad regnum hoc nostrum Scotiae praedict in ipsius ejusque praedict proprios usus sumendi levandi et recipiendi et similiter de omnibus bonis et mercimoniis quae per nostros subditos coloniarum ductores negotiatores et navigatores de dicta provincia Novae Scotiae ad quaevis nostra dominia aut alia quaevis loca exportabuntur vel a nostris regnis et aliis locis ad dictam Novam Scotiam importabuntur ultra et supra dictam summam nobis destinatam quinque libras de centum Et de bonis et mercimoniis omnium extraneorum aliorumque sub nostra obedientia minime existentium quae vel de provincia Novae Scotiae exportabuntur vel ad eandem importabuntur ultra et supra dict summam nobis destinatam decem libras de centum dicti Domini Willelmi suorumque praedict propriis usibus per tales ministros officiarios vel substitutos eorumve deputatos aut factores quos ipsi ad hunc effectum constituent et designabunt levandi sumendi ac recipiendi Et pro meliori dicti Domini Willelmi suorumque praedict aliorumque omnium nostrorum dilectorum subditorum qui dictam Novam Scotiam inhabitare vel ibidem mercimonia exercere voluerint securitate et commoditate et generaliter omnium aliorum qui nostrae authoritati et potestati sese subdere non gravabuntur nobis visum est volumusque quod licitum erit dicto Domino Willelmo suisque praedictis unum aut plura

commodities, and merchandise, which to them shall seem necessary, into our kingdom of Scotland, without payment of any tax, customs, or imposts for the same, to us, or our receivers of customs, or their deputies, and inhibiting them from their offices on this part, for the space of seven years, immediately following the day of the date of our present charter, which sole advantage we have freely granted, and, by the tenor of our present charter, do freely grant and dispose, for the space of thirteen years hereafter, to the said Sir William, and his aforesaid, according to the proportion of five per cent. after mentioned: And after those thirteen years ended, it shall be lawful to us and our successors, out of all goods and merchandise, which out of this our kingdom of Scotland, to the same province, or out of that province to our said kingdom of Scotland, shall be exported or imported by the said Sir William, and his aforesaid, in any ports of this our kingdom, to levy and demand from them for ever five pounds per cent. only, according to the ancient manner of trading, without any other impost, tax, custom, or duty; which sum of five pounds per cent. being so paid by the said Sir William, and his aforesaid, and others our officers to this effect, appointed thenceforth, it shall be lawful to the said Sir William, and his aforesaid, to transport and carry the same goods from this our kingdom of Scotland, into any other foreign parts or regions, without payment of any other custom, tax, or duty, to us, or our heirs or successors, or to any other persons; provided, however, that the said goods shall be again shipped within the space of thirteen months after their arrival in any port of this our kingdom: Giving and granting absolute and plenary power to the said Sir William, and his aforesaid, of taking, levying, and receiving from all our subjects, who shall choose to plant colonies to carry on merchandise, or to navigate to the same lands of Nova Scotia, and from the same, beside the said sum due to us for goods and merchandise, five pounds out of the hundred, either on account of export from this our kingdom of Scotland to the province of Nova Scotia, or import from the said province to this our kingdom of Scotland aforesaid, for the proper use of himself, and his aforesaid; and in like manner with regard to all goods and merchandise, which shall be exported by our subjects, planters of colonies, traders, and navigators from the said province of Nova Scotia, to any our dominions, or any other places, or shall be imported from our kingdoms and other places to the said Nova Scotia, over and above the said sum of five pounds out of the hundred, destined for us; and of levying, taking, and receiving from the goods and merchandise of all foreigners and others, not being under obedience to us, which either shall be exported from the province of Nova Scotia, or shall be imported to the same, over and above the said sum destined for us, ten pounds out of the hundred, for the proper use of the said Sir William, and his aforesaid, by such ministers, officers, or their substitutes, or deputies, or factors, as they shall appoint and designate to this effect. And for the better security and convenience of the said Sir William, and his aforesaid, and of all others our beloved subjects, who shall choose to inhabit the said Nova Scotia, or to carry on merchandise there, and generally of all others who shall not be reluctant to submit themselves to our authority and power, it hath seemed meet to us, and we will that it shall be lawful to the said Sir William, and his aforesaid, to

munimina propugnacula castella loca fortia specula armamentaria *lie blokhoussis* aliaque aedificia cum portubus et navium stationibus aedificare vel aedificari causare una cum navibus bellicis easdemque pro defensione dict locorum applicare sicut dicto Domino Willelmo suisque praedict pro dicto conamine perficiendo necessarium videbitur proque ipsorum defensione militum catervas ibidem stabilire praeter praedicta supramentionata et generaliter omnia facere quae pro conquaestu augmentatione populi inhabitatione preservatione et gubernatione dictae Novae Scotiae ejusdemque orarum et territorii infra omnes hujusmodi limites pertinentias et dependentias sub nostro nomine et authoritate quodcunque nos si personaliter essemus praesentes facere potuimus licet casus specialem et strictum magis ordinem quam per praesentes praescribitur requirat cui mandato volumus et ordinamus strictissimeque praecipimus omnibus nostris justiciariis officiariis et subditis ad loca illa sese conferentibus ut sese applicent dictoque Domino Willelmo suisque praedictis in omnibus et singulis supra mentionatis earum substantiis et circumstantiis intendant et obediant eisque in earum executione in omnibus adeo sint obedientes ut nobis cujus personam representat esse deberent sub poena disobedientiae et rebellionis Et quia fieri potest quod quidam ad dicta loca transportandi refractarii sint et ad eadem loca ire recusabunt aut dicto Domino Willelmo suisque praedict resistent nobis igitur placet quod omnes vicecomites senescalli regalitatum balivi pacis justiciarii praepositi et urbium balivi eorumque officiarii et justiciae ministri quicunque dictum Dominum Willelmum suosque deputatos aliosque praedict in omnibus et singulis legitimis rebus et factis quas facient aut intendent ad effectum praedict similiter et eodem modo sicuti nostrum speciale warrantum ad hunc effectum haberent assistent fortisficient et eisdem suppetias ferant Declaramus insuper per praesentis cartae nostrae tenorem omnibus Christianis regibus principibus et statibus quod si aliquis vel aliqui qui in posterum de dictis coloniis vel de earum aliqua sit in dicta provincia Novae Scotiae vel aliqui alii sub eorum licentia vel mandato quovis tempore futuro piraticam exercentes per mare vel terram bona alicujus abstulerint vel aliquod injustum vel indebitum hostiliter contra aliquos nostros nostrorumve haeredum et successorum aut aliorum regum principum gubernatorum aut statuum in foedere nobiscum existen subditos quod tali injuria sic oblata aut justa querela desuper mota per aliquem regem principem gubernatorem statum vel eorum subditos praedict nos nostri haeredes et successores publicas proclamationes fieri curabimus in aliqua parte dicti regni nostri Scotiae ad hunc effectum magis commoda ut dict pirata vel piratae qui tales rapinas committent stato tempore per praefatas proclamationes limitando plenarie restituant quaecunque bona sic ablata et pro dictis injuriis omnimodo satisfaciant ita ut dicti principes aliique sic conquaerentes satisfactos se esse reputent et quod si talia facinora committent bona ablata non restituent aut restitui faciant infra limitatum tempus quod tunc in posterum sub nostra protectione et tutela minime erunt et quod licitum erit omnibus principibus aliisque praedict delin-

build, or to cause to be built, one or more strong holds, fortresses, castles, forts, towers, depots of arms, *lie blokhousis*, and other edifices, with ports and harbours, together with ships of war, and to apply the same for the defence of the said places, as to the said Sir William, and his aforesaid, shall seem necessary for performing the said enterprise, and for their defence to establish regiments of soldiers there, beside the aforesaid things above mentioned, and generally to do all things which for the conquest, augmentation, inhabitation, preservation, and government of the people of the same Nova Scotia, and of the coasts and territory of the same, within all the limits, appurtenances, and dependencies of the same, under our name and authority whatsoever, we, if we were personally present, could have done, although the case may require special and more strict ordering, than such as is prescribed by these presents; to which mandate we will, and ordain, and strictly enjoin all our justiciaries, officers, and subjects, betaking themselves to those places, that they apply themselves, and attend upon, and obey the said Sir William, and his aforesaid, in all and singular the things above mentioned, with their substances and circumstances, and be as obedient to them in the execution thereof, as they ought to be to us, whose person he represents, under pain of disobedience and rebellion: And because it may be, that some to be transported to the said places may be refractory, and will refuse to go to the same places, or will resist the said Sir William, and his aforesaid, it is, therefore, our pleasure, that all sheriffs, seneschals, bailiffs of regalities, justices of the peace, mayors, and bailiffs of towns, and their officers, and ministers of justice whosoever, shall assist, reinforce the said Sir William, and his deputies, and others aforesaid, in all and singular the lawful things and acts which they shall do, or intend to the foresaid effect, in like method, and in the same manner as if they had our special warrant to this effect, and shall bring supplies to the same. We declare, moreover, by the tenor of our present charter, to all Christian Kings, Princes, and States, that if any person or persons, who in time to come shall be of the said colonies, or of any of them, in the said province of Nova Scotia, or any other persons under their licence and command, at any future time carrying on piracy, or any thing unjust or undue, hostilely against any persons, being the subjects of ourselves, or of our heirs and successors, or of other Kings, Princes, Governors, or States in alliance with us, shall carry off the goods of any person by sea or land, that upon such injury so committed, or just complaint thereupon, moved by any King, Prince, Governor, State, or their subjects aforesaid, we, our heirs and successors, will take care that public proclamation be made in some part of our said kingdom of Scotland, most convenient for this effect, that the said pirate or pirates, who shall commit such plunderings, at a fixed time, to be limited by the aforesaid proclamations, may plenarily restore the goods whatsoever so taken away, and in every way give satisfaction for the said injuries, so that the said princes, and others, so complaining, shall admit themselves to be satisfied, and that, if committing such crimes, they shall not restore, or cause to be restored, the goods carried off within the time limited, that then, for the future, they shall in no wise be under our protection and safeguard, and that it shall be lawful to all princes, and others aforesaid, hostilely to pursue and go against those delinquents:

quentes eos hostiliter prosequi et invadere Et licet neminem nobilem aut generosum de patria hac sine licentia nostra decedere statutum sit nihilominus volumus quod praesens hoc diploma sufficiens erit licentia et warrantum omnibus qui se huic itineri committent qui laesaemajestatis non sunt rei vel aliquo alio speciali mandato inhibiti atque etiam per praesentis cartae nostrae tenorem declaramus volumusque quod nemo patria hac decedere permittatur versus dictam Novam Scotiam nullo tempore nisi ii qui juramentum supremitatis nostrae primum susceperint ad quem effectum nos per praesentes dicto Domino Willelmo suisque praedict vel eorum conservatori vel deputatis idem hoc juramentum omnibus personis versus illas terras in ea colonia sese conferentibus requirere et exhibere plenariam potestatem et authoritatem damus et concedimus Praeterea nos cum avisamento et consensu antedict pro nobis et successoribus nostris declaramus decernimus et ordinamus quod omnes nostri subditi qui ad dictam Novam Scotiam proficiscentur aut eam incolent eorumque omnes liberi et posteritas qui ibi nasci contigerit aliique omnes ibidem periclitantes habebunt et possidebunt omnes libertates immunitates et privilegia liberorum et naturalium subditorum regni nostri Scotiae aut aliorum nostrorum dominiorum sicuti ibidem nati fuissent Insuper nos pro nobis et successoribus nostris damus et concedimus dicto Domino Willelmo Alexander suisque praedict liberam potestatem stabiliendi et cudere causandi monetam pro commercio liberiori inhabitantium dictae provinciae cujusvis metalli quo modo et qua forma voluerint et eisdem praescribent Atque etiam si quae questiones aut dubia super interpretatione aut constructione alicujus clausulae in hac praesenti carta nostra contentae occurrent ea omnia sumentur et interpretabuntur in amplissima forma et in favorem dicti Domini Willelmi suorumque praedict Praeterea nos ex nostra certa scientia proprio motu authoritate regali et potestate regia fecimus univimus annexavimus ereximus creavimus et incorporavimus tenoreque praesentis cartae nostrae facimus unimus annexamus erigimus creamus et incorporamus totam integram dictam provinciam et terras Novae Scotiae cum omnibus earundem limitibus et maribus ac mineralibus auri et argenti plumbi cupri chalibis stanni aeris ferri aliisque quibuscunque fodinis margaritis lapidibus praeciosis lapicidinis silvis virgultis mossis marresiis lacubus aquis piscationibus tam in aquis dulcibus quam salsis tam regalium piscium quam aliorum civitatibus liberis portubus liberis burgis urbibus baroniae burgis maris portubus anchoragiis machinis molendinis officiis et jurisdictionibus omnibusque aliis generaliter et particulariter supra mentionatis in unum integrum et liberum Dominium et Baroniam per praedict nomen Novae Scotiae omni tempore affuturo appellandum Volumusque et concedimus ac pro nobis et successoribus nostris decernimus et ordinamus quod unica sasina nunc per dictum Dominum Willelmum suosque praedict omni tempore affuturo super aliqua parte fundi dict terrarum et provincia praescript stabit et sufficiens erit sasina pro tota regione cum omnibus partibus pendiculis privilegiis casualitatibus libertatibus et immunitatibus ejusdem supramentionatis absque aliqua alia speciali et particuliari sasina per ipsum suosve praedict apud aliquam aliam partem vel ejusdem locum capienda penes quam sasinam omniaque quae inde secuta sunt aut sequi possunt nos cum avisamento et consensu supra

And although there be a statute that no nobleman or gentleman depart from this country without our licence, nevertheless, we will that this present diploma shall be a sufficient licence and warrant to all who shall undertake this voyage, who are not guilty of treason, or inhibited by some other special mandate : And also we declare and will, by the tenor of our present charter, that no person may be permitted to depart from this his country, for the said Nova Scotia, at any time, except those who shall first have taken the oath of our supremacy, to which effect we, by these presents, do give and grant to the said Sir William, and to his aforesaid, or their conservator or deputies, plenary power and authority to require and administer this same oath from all persons betaking themselves to those lands in that colony : Moreover, we, with the advice and consent aforesaid, for ourselves and our successors, declare, decree, and ordain, that all our subjects who shall proceed to the said Nova Scotia, or shall inhabit it, and all their children and posterity who shall chance to be born there, and all others adventuring thither, shall have and possess all liberties, immunities and privileges, of free and natural subjects of our kingdom of Scotland, or of other our dominions, as if they had been born therein : Moreover, we, for ourselves and our successors, do give and grant to the said Sir William Alexander, and his aforesaid, free power of establishing, and causing to be coined, money, for the more free commerce of the inhabitants of the said province, of any metal, in what manner and in what form they shall, will and prescribe for the same : And also, if any questions or doubts upon the interpretation or construction of any clause contained in this our present charter shall occur, they shall all be taken and interpreted in the most ample form, and in favour of the said Sir William, and his aforesaid : Moreover, we, of our certain knowledge, proper motive, regal authority and royal power, have made, united, annexed, erected, created and incorporated, and, by the tenor of our present charter, do make, unite, annex, erect, create and incorporate, whole and entire, the said province and lands of Nova Scotia, with all the limits and seas of the same, as well as minerals of gold and silver, lead, copper, steel, tin, brass, iron, and other mines whatsoever, margarites, precious stones, stone-quarries, woods, coppices, mosses, marshes, lakes, waters, fisheries, as well in fresh waters as in salt, as well of royal fishes as of others, cities, free ports, free burghs, towns, burghs of barony, sea ports, anchorages, machines, mills, offices and jurisdictions, and all other things generally and particularly above mentioned, into one entire and free lordship and barony, to be called by the aforesaid name of Nova Scotia, in all time to come : And we will, and grant, and, for ourselves and our successors, do decree and ordain, that one seisin, at this time, by the said Sir William, and his aforesaid, upon any part of the soil of the said lands and province above written, shall, in all time to come, stand, and be a sufficient seisin for the whole region, with all parts, appendages, privileges, casualties, liberties and immunities above mentioned, of the same, without any other special and particular seisin, to be taken by him, or his aforesaid, on any other part or place of the same ; concerning which seisin, and all things which have ensued thereupon, or can ensue, we, with the advice and consent above expressed, for ourselves and our succes-

expresso pro nobis et successoribus nostris dispensavimus tenoreque praesentis cartae nostrae modo subtus mentionat dispensamus in perpetuum TENEN et HABEN totam et integram dictam regionem et dominium Novae Scotiae cum omnibus ejusdem limitibus infra praedicta maria mineralibus auri et argenti cupri chalibis stanni plumbi aeris ferri aliisque quibuscunque fodinis margaritis lapidibus praeciosis lapicidinis silvis virgultis mossis marresiis lacubus aquis piscationibus tam in aquis dulcibus quam salsis tam regalium piscium quam aliorum civitatibus liberis burgis liberis portubus urbibus baroniae burgis maris portubus anchoragiis machinis molendinis officiis et jurisdictionibus omnibusque aliis generaliter et particulariter supra mentionat cumque omnibus aliis privilegiis libertatibus immunitatibus casualitatibus aliisque supra expressis praefato Domino Willelmo Alexander haeredibus suis et assignatis de nobis nostrisque successoribus in feodo haereditate libero dominio libera baronia et regalitate imperpetuum per omnes rectas metas et limites suas prout jacent in longitudine et latitudine in domibus aedificiis aedificatis et aedificandis boscis planis moris marresiis viis semitis aquis stagnis rivolis pratis et pascuis molendinis multuris et eorum sequelis aucupationibus venationibus piscationibus petariis turbariis carbonibus carbonariis cuniculis cunicularis columbis columbariis fabrilibus brasinis brueriis et genistis silvis nemoribus et virgultis lignis tignis lapicidiis lapide et calce cum curiis bludewitis placitis haerezeldis furca fossa sok sac thole theme infangtheiff outfangtheiff wrak wair veth vert vennesoun pitt et gallows ac cum omnibus aliis et singulis libertatibus commoditatibus proficuis asiamentis ac justis suis pertinentiis quibuscunque tam non nominat quam nominat tam subtus terra quam supra terram procul et prope ad praedict regionem et dominium spectan seu juste spectare valen quomodolibet in futurum libere quiete plenarie integre honorifice bene et in pace absque ulla revocatione contradictione impedimento aut obstaculo quocunque Solvendo inde annuatim dictus Dominus Willelmus Alexander suique praedict nobis nostrisque haeredibus et successoribus unum denarium monetae Scotiae super fundum dict terrarum et provinciae Novae Scotiae ad festum Nativitatis Christi nomine albae firmae si petatur tantum Et quia tentione dict terrarum et provinciae Novae Scotiae et alba firma supradict deficiente tempestivo et legitimo introitu cujusvis haeredis vel haeredum dicti Domini Willelmi sibi succeden quod difficulter per ipsos praestari potest ob longinquam distantiam ab hoc regno nostro eaedem terrae et provincia ratione non-introitus in manibus nostris nostrorumve successorum devenient usque ad legitimum legitimi haeredis introitum et nos nolentes dictas terras et regionem quovis tempore in non-introitu cadere neque dictum Dominum Willelmum suosque praedict beneficiis et proficuis ejusdem eatenus frustrari idcirco nos cum avisamento praedict cum dicto non-introitu quandocunque contigerit dispensavimus tenoreque ejusdem cartae nostrae pro nobis et successoribus nostris dispensamus ac etiam renunciavimus et exoneravimus tenoreque praesentis cartae nostrae cum consensu praedicto renunciamus et exoneramus dictum Dominum Willelmum ejusque praescript praefatum non-introitum dictae provinciae et regionis quandocunque in manibus nostris deveniet

sors, have dispensed, and, by the tenor of our present charter, in manner under mentioned, do dispense for ever ; To hold, and to have, whole and entire, the said region and lordship of Nova Scotia, with all the limits of the same, within the aforesaid seas, minerals of gold and silver, copper, steel, tin, lead, brass and iron, and other mines whatsoever ; margarites, precious stone-stones, quarries, woods, coppices, mosses, marshes, lakes, waters, fisheries, as well in fresh waters as in salt, as well of royal fishes as of others, cities, free burghs, free ports, towns, burghs of barony, sea ports, anchorages, machines, mills, offices and jurisdictions, and all other things, generally and particularly above mentioned ; and with all other privileges, liberties, immunities and casualties, and other things above expressed, to the aforesaid Sir William Alexander, his heirs and assigns, of us and our successors, in free inheritance, free lordship, free barony and regality, for ever, through all their just boundaries and limits, as they lie in length and breadth, in houses, edifices, built and to be built, boscages, plains, moors, marshes, highways, paths, waters, pools, rivulets, meadows and pastures, mills, multures, and their sequels, hawkings, huntings, fisheries, peat mosses, turf bogs, coals, coal-pits, coneys, warrens, doves, dove-cotes, workshops, maltkins, breweries, and broom, woods, groves and coppices, buried wood, timber, stone-quarries, stone and lime, with courts, fines, pleas, heriots, unlaws, and raids of women, with free ingress and egress, and with fork, foss, sok, sac, toll, theme, infangtheiff, outfangtheiff, wrak, weir, veth, forestry, venison, pit and gallows ; and with all other and singular the liberties, commodities, profits, easements, and their rightful appurtenances whatsoever, as well not named as named, as well beneath the earth as above the earth, far and near, belonging, or which can in any wise justly belong, to the aforesaid region and lordship, for the future, freely, quietly, plenarily, entirely, honourably, well, and in peace, without any revocation, contradiction, impediment or obstacle whatsoever : The said Sir William Alexander, and his aforesaid, paying yearly thereout to us, and to our heirs and successors, one penny of Scottish money upon the soil of the said lands and province of Nova Scotia, at the festival of the Nativity of Christ, under the name of quit rent only, if it be demanded : And because, by the tenure of the said lands and province of Nova Scotia, and by the aforesaid quit rent, in default of timely and lawful entry of any heir or heirs of the said Sir William, succeeding to him, which may with difficulty be performed by them, on account of the far distance from this our kingdom, the same lands and province, by reason of non-entry, will come into the hands of us or our successors, until the lawful entry of the lawful heir : And we being unwilling that the said lands and region should at any time fall into non-entry, or that the said Sir William, and his aforesaid, should be so far deprived of the benefits and profits of the same, therefore we, with the advice aforesaid, have dispensed with the said non-entry, whensoever it shall have occurred ; and by the tenor of the same, our charter, for ourselves and our successors, do dispense, and also have renounced and exonerated, and, by the tenor of our present charter, with the consent aforesaid, do renounce and exonerate the said Sir William, and his aforesaid, the aforesaid non-entry of the

aut ratione non-introitus cadet cum omnibus quae desuper sequi possunt proviso tamen quod dictus Dominus Willelmus suique haeredes et assignati infra spatium septem annorum post decessum et obitum suorum praedecessorum aut introitum ad possessionem dict terrarum aliorumque praedict per ipsos vel eorum legitimos procuratores ad hunc effectum potestatem habentes nobis nostrisque successoribus homagium faciant et dictas terras dominium et baroniam aliaque praedict adeant et per nos recipiantur secundum leges et statuta dicti regni nostri Scotiae Denique nos pro nobis et successoribus nostris volumus decernimus et ordinamus praesentem hanc nostram cartam et infeofamentum supra script praedict terrarum dominii et regionis Novae Scotiae privilegia et libertates ejusdem in proximo nostro Parliamenta dicti regni nostri Scotiae cum contigerit ratificari approbari et confirmari ut vim et efficaciam decreti inibi habeat penes quod nos pro nobis et successoribus nostris declaramus hanc nostram cartam sufficiens fore warrantum et in verbo Principis eandem ibi ratificari et approbari promittimus atque etiam alterare renovare et eandem in amplissima forma augere et extendere quoties dicto Domino Willelmo ejusque praedict necessarium et expediens videbitur Insuper nobis visum est ac mandamus et praecipimus dilectis nostris
Vicecomitibus nostris in hac parte specialiter constitutis quatenus post hujus cartae nostrae nostro sub magno sigillo aspectum statum et sasinam actualem et realem praefato Domino Willelmo suisque praedict eorumve actornato vel actornatis terrarum dominii baroniae aliorumque praedict cum omnibus privilegiis immunitatibus libertatibus aliisque supra expressis dare et concedere quam sasinam nos per praesentis cartae nostrae tenorem adeo legitimam et ordinariam esse declaramus ac si praeceptum sub testimonio nostri magni sigilli in amplissima forma cum omnibus clausulis requisitis ad hunc effectum praedict haberet penes quod nos pro nobis et successoribus nostris imperpetuum dispensamus In cujus rei testimonium huic praesenti cartae nostrae magnum sigillum nostrum apponi praecepimus testibus praedilectis nostris consanguineis et consiliariis Jacobo Marchione de Hamiltoun comite Aranie et Cambridge domino Aven et Innerdaill Georgio Mariscali comite domino Keith &c. regni nostri mariscallo Alexandro comite de Dumfermeling domino Fyvie et Urquhart &c. nostro cancellario Thoma comite de Melros domino Bynning et Byres nostro secretario dilectis nostris familiaribus consiliariis dominis Ricardo Cokburne juniore de Clerkingtoun nostri secreti sigilli custode Georgio Hay de Kinfawins nostrorum rotulorum registri ac consilii clerico Joanne Cokburne de Ormestoun nostrae justiciariae clerico et Joanne Scott de Scottistarvet nostrae cancellariae directore militibus Apud castellum nostrum de Windsore decimo die mensis Septembris anno Domini millesimo sexcentesimo vigesimo primo regnorumque nostrorum annis quinquagesimo quinto et decimo nono respective.

said province and region, whensoever it shall come into our hands, or fall, by reason of non-entry, with all things which can ensue therefrom, provided, however, that the said Sir William, and his heirs and assigns, within the space of seven years after the decease and death of their predecessors, or entry into possession of the said lands, and other things aforesaid, by themselves, or their lawful procurators, to this effect empowered, do homage to us and our successors, and come and receive, through us, the said lands, lordship and barony, and other things aforesaid, according to the laws and statutes of our said kingdom of Scotland : Finally, we, for ourselves and our successors, do will, decree and ordain, that this our present charter and infeftment above written, of the aforesaid lands, lordship and region of Nova Scotia, the privileges and liberties of the same, shall be ratified, approved and confirmed in our next Parliament of our said kingdom of Scotland, when it shall happen, that it may therein have the force and efficacy of a decree ; with regard whereto, we, for ourselves and our successors, declare, that this our charter shall be a sufficient warrant ; and, on the word of a Prince, we promise that the same shall be there ratified and approved, and also to alter, renew, and to augment and extend the same, in the most ample form, as often as to the said Sir William, and his aforesaid, shall seem necessary and expedient : Moreover, it hath seemed good to us, and we command and enjoin our beloved

Our sheriffs, on this part specially constituted, in so far as to give and grant, after sight of this our charter under the Great Seal, possession and seisin, actual and real, to the aforesaid Sir William, and his aforesaid, or their attorney or attorneys, of the lands, lordship, barony and other things aforesaid, with all privileges, immunities, liberties, and other things above expressed ; which seisin, we, by the tenor of our present charter, declare to be as lawful and orderly, as if he had a precept under witness of our Great Seal, in the most ample form, with all the clauses requisite for this effect aforesaid, with regard to which, we, for ourselves and our successors, do for ever dispense. In witness whereof, we have commanded our Great Seal to be affixed to this our present charter ; witnesses, our right well-beloved cousins and councillors, James, Marquis of Hamilton, Earl of Aran and Cambridge, Lord Aven and Innerdaill ; George, Earl Marischal, Lord Keith, &c. Marshal of our kingdom ; Alexander, Earl of Dumfermeling, Lord Fyvie and Urquhart, &c. our Chancellor ; Thomas, Earl of Melros, Lord Bynning and Byres, our Secretary ; our beloved familiar councillors, Sirs Richard Cokburne, the younger, of Clerkingtoun, our Keeper of the Privy Seal ; George Hay of Kinfawins, our Register of the Rolls and Clerk of the Council ; John Cokburne of Ormestoun, Clerk of our Justiciary ; and John Scott of Scottistarvet, our Director of the Chancery, Baronets ; At our castle of Windsor, the 10th day of September, anno Domini 1621, and of our reigns the fifty-fifth and nineteenth years respectively.

Per Signaturam manu S. D. N. Regis suprascriptam manibusque nostri Cancellarii Thesaurarii Principalis Secretarii reliquorumq Dominorum nostrorum Commissionariorum ac Secreti nostri Consilii dicti Regni Scotiae subscript.

Writtin to the Great Seall,
29. Septemb. 1621.
J. Scott,
gratis.
Sigellat. Edinburgi,
29. Septemb. 1621,
Ja. Raithe,
grs.

By Signature, by the hand of our Sovereign Lord the King, superscribed, and by the hands of our Chancellor, Treasurer, Principal Secretary, and of the other Lords, our Commissioners, and of our Privy Council of the said kingdom of Scotland, subscribed.

Writtin to the Great Seall,
29. Septemb. 1621,
J. Scott,
gratis.
Sealed at Edinburgh,
29. Septemb. 1621,
Ja. Raithe,
grs.

No. II.

Charter of Novodamus in favour of Sir William Alexander of Menstrie, Knight, of the Lands, Lordship and Barony of Nova Scotia, in America.

Carolus Dei gratia Magnae Britanniae Franciae et Hiberniae Rex Fideique Defensor Omnibus probis hominibus totius terrae suae clericis et laicis salutem Sciatis nos semper ad quamlibet quae ad decus et emolumentum regni nostri Scotiae spectaret occasionem amplectandum fuisse intentos nullamque aut faciliorem aut magis innoxiam acquisitionem censere quam quae in exteris et incultis regnis ubi vitae et victui suppetunt commoda novis deducendis coloniis facta sit praesertim si vel ipsa regna cultoribus prius vacua vel ab infidelibus quos ad Christianam converti fidem ad Dei gloriam interest plurimum insessa fuerunt sed cum et alia nonnulla regna et haec non ita pridem nostra Anglia laudabiliter sua nomina novis terris acquisitis et a se subactis indiderunt quam numerosa et frequens Divino beneficio haec gens hac tempestate sit nobiscum reputantes quamque honesto aliquo et utili cultu eam studiose exerceri ne in deteriora ex ignavia et otio prolabatur expediat plerosque in novam deducendos regionem quam coloniis compleant operae praetium duximus qui et animi promptitudine et alacritate corporumque robore et viribus quibuscunque difficultatibus si qui alii mortalium uspiam se audeant opponere hunc conatum huic regno maxime idoneum inde arbitramur quod virorum tantummodo et mulierum jumentorum et frumenti non etiam pecuniae transvectionem postulat neque incommodam ex ipsius regni mercibus retributionem hoc tempore cum negotiatio adeo imminuta sit possit reponere hisce de causis sicuti et propter bonum fidele et gratum dilecti nostri consiliarii Domini Willielmi Alexander equitis servitium nobis praestitum et praestandum qui propriis impensis ex nostratibus primus externam hanc coloniam ducendam conatus sit diversasque terras infra designatis limitibus circumscripta incolendas expetiverit Nos igitur ex regali nostra ad Christianam religionem propagandam et ad opulentiam prosperitatem pacemque naturalium nostrorum subditorum dicti regni nostri Scotiae acquirendam cura sicuti alii principes extranei in talibus casibus hactenus fecerunt cum avisamento et consensu praedilecti nostri consanguinei et consiliarii Joannis Comitis de Mar Domini Erskyn et Garioche &c. summi nostri thesaurarii computorum rotulatoris collectoris ac thesaurarii novarum nostrarum augmentationum hujus regni nostri Scotiae ac reliquorum dominorum nostrorum commissionariorum ejusdem regni nostri Dedimus concessimus et disposuimus tenoreque praesentis cartae nostrae Damus concedimus et disponimus praefato Domino Willielmo Alexander haeredibus suis vel assignatis quibuscunque haereditarie Omnes et singulas terras continentis ac insulas situatas et jacen in America intra caput seu promontorium communiter *Cap de Sable*

No. II.

Novodamus of Nova Scotia. 1625.

CHARLES, by the Grace of God, King of Great Britain, France and Ireland, and Defender of the Faith, To all good men of his whole land, clergy and laity, greeting. Know ye, That we always have been intent to embrace every occasion that might tend to the honour and profit of our kingdom of Scotland, and have been of opinion, that there is no acquisition, either easier or more unprejudicial, than what may be made by conducting new colonies into foreign and uncultivated realms, where conveniences for life and food are sufficient, especially if either those realms were before destitute of cultivators, or were settled in by infidels, whom it is of the greatest concern that they be converted to the Christian faith, to the glory of God; but when both some other kingdoms, and not long since, this our (kingdom of) England, have laudably imposed their names on new lands acquired and subdued by them, considering how numerous and dense this people, by the Divine blessing, at this time, are, and how they may be diligently exercised in any honourable and useful employment, lest, from sloth and indolence, they decline into worse, it may be expedient, and we have reckoned it an object of estimation, that many of them should be conducted into a new country, which they may fill with colonies, who, both by readiness and alacrity of mind, and by strength and ability of body, may dare to oppose themselves to whatsoever difficulties beset other mortals any where. We thence judge this undertaking to be exceedingly suitable to this kingdom, which calls for the transportation of men only, and women, beasts of burthen and corn; not so of money; and may not make a disadvantageous return from the merchandise of the kingdom itself, at this time, when trade is so diminished: For these causes, namely, and on account of the good, faithful and grateful service rendered, and to be rendered to us by our well-beloved councillor, Sir William Alexander, Knight, who, at his own expenses, the first of those of our country, undertook the conducting of this foreign colony, and sought out divers lands, circumscribed within particular designed limits, to be inhabited. We, therefore, of our royal care for the propagating of the Christian religion, and for promoting the opulence, prosperity and peace of our natural subjects of our said kingdom of Scotland, as other foreign princes in the like cases heretofore have done, with advice and consent of our well-beloved cousin and councillor, John, Earl of Mar, Lord Erskyn and Garioche, &c. our High Treasurer, Comptroller, Collector and Treasurer of our new augmentations of this our kingdom of Scotland, and the remanent Lords, our Commissioners of our said kingdom, have given, granted and disponed, and by our present charter give, grant and dispone to the aforesaid Sir William Alexander, his heirs or assignees whatsoever, heritably, all and sundry continent-lands and islands, situate and lying in America, within the head or cape commonly called Cap de Sable, lying near the 43d degree of latitude, or thereby, from the

appellat jacen prope latitudinem quadraginta trium graduum aut eo circa ab equinoxiali linea versus septentrionem a quo promontorio versus littus maris tenden ad occidentem ad stationem navium Sanctae Mariae vulgo *St Marie's bay* et deinceps versus septentrionem per directam lineam introitum sive ostium magnae illius stationis navium trajicien quae excurrit in terrae orientalem plagam inter regiones Suriquorum et Stecheminorum vulgo *Suriquois* et *Stechemines* ad fluvium vulgo Sanctae Crucis appellat et ad scaturiginem remotissimam sive fontem ex occidentali parte ejusdem qui se primum praedicto fluvio immiscit unde per imaginariam directam lineam quae pergere per terram seu currere versus septentrionem concipietur ad proximam navium stationem fluvium vel scaturiginem in magno fluvio de Canada sese exonerantem et ab eo pergen versus orientem per maris oras littorales ejusdem fluvii de Canada ad fluvium stationem navium portum aut littus communiter nomine de Gathepe vel Gaspie notum et appellatum et deinceps versus euronotum ad insulas Bacalaos vel *Cap Brittoun* vocat reliquendo easdem insulas a dextra et voraginem dicti magni fluvii de Canada sive magnae stationis navium et terras de Newfoundland cum insulis ad easdem terras pertinentibus a sinistra et deinceps ad caput sive promontorium de Cap Brittoun praedict jacen prope latitudinem quadraginta quinque graduum aut eo circa et a dicto promontorio de Cap Brittoun versus meridiem et occidentem ad praedict Cap de Sable ubi incepit perambulatio includen et comprehenden intra dictas maris oras littorales ac earum circumferentias a mari ad mare omnes terras continentis cum fluminibus torrentibus sinubus littoribus insulis aut maribus jacen prope aut intra sex leucas ad aliquam earundem partem ex occidentali boreali vel orientali partibus orarum littoralium et praecinctuum earundem et ab euronoto ubi jacet Cap Brittoun et ex australi parte ejusdem ubi est Cap de Sable omnia maria ac insulas versus meridiem intra quadraginta leucas dictarum orarum littoralium earundem magnam insulam vulgariter appellat Ile de Sable vel Sablon includen jacen versus carbane vulgo *south-south-eist* circa triginta leucas a dicto Cap Brittoun in mari et existen in latitudine quadraginta quatuor graduum aut eo circa Quaequidem terrae praedict omni tempore affuturo nomine Novae Scotiae in America gaudebunt quas etiam praefatus Dominus Willielmus in partes et portiones sicut ei visum fuerit dividet eisdemque nomina pro bene placito imponet Una cum omnibus fodinis tam regalibus auri et argenti quam aliis fodinis ferri plumbi cupri stanni aeris ac aliis mineralibus quibuscunque cum potestate effodiendi et ex terra effodere causandi purificandi et repurgandi easdem ac convertandi ac utendi suo proprio usui aut aliis usibus quibuscunque sicuti dicto Domino Willielmo Alexander haeredibus suis et assignatis aut iis quos suo loco in dictis terris stabilire ipsum contigerit visum fuerit Reservando solummodo nobis et successoribus nostris decimam partem metalli vulgo *ure* auri et argenti quod ex terra imposterum effodietur aut lucrabitur Relinquendo dicto Domino Willielmo suisque praedict quodcunque ex aliis metallis cupri chalibis ferri stanni plumbi aut aliorum mineralium nos vel successores nostri quovismodo exigere possumus ut eo facilius magnos sumptus in extrahendis praefatis metallis tolerare possint Uno cum margaritis vulgo *pearle* ac lapidibus praeciosis quibuscunque aliis lapicidinis silvis virgultis mossis marresiis lacubus aquis piscationibus tam in aqua salsa quam recenti

equinoctial line northward from which cape, towards the sea-shore, tending to the west to the naval station commonly called St Mary's Bay, and thereafter northward by a direct line passing the entrance or mouth of that great naval station which runs out into the eastern tract of land, between the countries of the Suriquois and Stechemines, to the river commonly called St Croix, and to the furthest source thereof, on the western part, which first unites itself with the foresaid river, whence, by an imaginary direct line which is conceived to proceed by land, or to run northward to the nearest naval station, river or source, discharging itself into the great river of Canada, and from it proceeding eastward by the coasts of the said river of Canada, to the river, naval station, port or shore, commonly known and called by the name of Gathepé or Gaspé, and thereafter towards the south-east, to the islands called Bacalaos, or Cape Breton, leaving the said islands on the right, and the gulf of the said great river of Canada, or great naval station, and the lands of Newfoundland, with the islands thereto belonging, on the left; and thereafter to the head or cape of Cape Breton, foresaid, lying near the 45th degree of latitude, or thereby; and from the said cape of Cape Breton towards the south-west to the foresaid Cap de Sable, where the perambulation began, including and comprehending within the said coasts, and their circumferences from sea to sea, all the continent-lands, with rivers, brooks, bays, shores, islands, or seas, lying near or within six leagues of any part of the same on the west, north, or east sides of the coasts, and precincts thereof; and from the south-east, where lies Cape Breton, and the south part of the same, where is Cap de Sable, all the seas and islands southward, within forty leagues of the said coasts thereof, including the great island, commonly called Isle de Sable, or Sablon, lying towards the south, south-east, in the sea, about thirty leagues from Cape Breton foresaid, and being in the 44th degree of latitude, or thereby; which lands foresaid shall, in all time coming, enjoy the name of Nova Scotia in America; which also the foresaid Sir William shall divide into parts, and portions, as shall seem to him fit, and impose names on them at pleasure; together with all mines, as well royal of gold and silver, as other mines of iron, lead, copper, tin, brass, and other minerals whatsoever, with the power of digging, and causing to dig out of the earth, purifying, and refining the same, and of converting and using them to his own proper use, or other uses whatsoever, as shall seem fit to the said Sir William Alexander, his heirs and assignees, or those whom he shall happen to establish in place of himself in the said lands; Reserving only to us, and our successors, the tenth part of the metal commonly called ore of gold and silver, which shall hereafter be dug or gained out of the earth; Leaving to the said Sir William, and his foresaids, whatsoever part we or our successors can any way demand of the other metals of copper, steel, iron, tin, lead, or other minerals, that thereby they may the more easily bear the great charges in extracting the foresaid metals, together with pearls, and whatsoever other precious stones, quarries, woods, shrubs, mosses, muirs, lakes, waters, fishings, as

tam regalium piscium quam aliorum venatione aucupatione commoditatibus et haereditamentis quibuscunque Una cum plenaria potestate privilegio et jurisdictione liberae regalitatis capellae et cancellariae imperpetuum cumque donatione et jure patronatus ecclesiarum capellaniarum et beneficiorum cum tenentibus tenandriis et libere tenentium servitiis earundem Una cum officiis justiciariae et admiralitatis respective infra omnes bondas respective supra mentionat Una etiam cum potestate civitates liberos burgos liberos portus villas et burgos baroniae erigendi ac fora et nundinas infra bondas dict terrarum constituendi curias justiciariae et admiralitatis infra limites dict terrarum fluviorum portuum et marium tenendi una etiam cum potestate imponendi levandi et recipiendi omnia tolonia custumas anchoragia aliasque dict burgorum fororum nundinarum et liberorum portuum devorias et eisdem possidendi et gaudendi adeo libere in omnibus respectibus sicuti quivis baro major vel minor in hoc regno nostro Scotiae gavisus est aut gaudere poterit quovis tempore praeterito vel futuro cum omnibus aliis praerogativis privilegiis immunitatibus dignitatibus casualitatibus proficuis et devoriis ad dictas terras maria et bondas earundem spectan et pertinen et quae nos ipsi dare et concedere possumus adeo libere et ampla forma sicuti nos aut aliquis nostrorum nobilium progenitorum aliquas cartas patentes literas infeofamenta donationes aut diplomata concesserunt cuivis nostro subdito cujuscunque gradus aut qualitatis cuivis societati aut communitati tales colonias in quascunque partes extraneas deducenti aut terras extraneas investiganti in adeo libera et ampla forma sicuti eadem in hac praesenti carta nostra insererentur Facimus etiam constituimus et ordinamus dictum Dominum Willielmum Alexander haeredes suos et assignatos vel eorum deputatos nostros Haereditarios Locum tenentes generales ad repraesentandum nostram personam regalem tam per mare quam per terram in regionibus maris oris et finibus praedict in petendo dict terras quamdiu illic manserit ac redeundo ab eisdem ad gubernandum regendum puniendum et remittendum omnes nostros subditos quos ad dictas terras ire aut easdem inhabitare contigerit aut qui negotiationem cum eisdem suscipient vel in eisdem locis remanebunt ac eisdem ignoscendum et ad stabiliendum tales leges statuta constitutiones directiones instructiones formas gubernandi et magistratuum caeremonias infra dictas bondas sicuti ipsi Domino Willielmo Alexander aut ejus praedict ad gubernationem dictae regionis aut ejusdem incolarum in omnibus causis tam criminalibus quam civilibus visum fuerit et easdem leges regimina formas et caeremonias alterandum et mutandum quoties sibi vel suis praedictis pro bono et commodo dictae regionis placuerit ita ut dictae leges tam legibus hujus regni nostri Scotiae quam fieri possunt sint concordes Volumus etiam ut in casu rebellionis aut seditionis legibus utatur militaribus adversus delinquentes vel imperio ipsius sese subtrahentes adeo libere sicuti aliquis locum tenens cujusvis regni nostri vel dominii virtute officii locum tenentis habent vel habere possunt excludendo omnes alios officiarios hujus regni nostri Scotiae terrestres vel maritimos qui imposterum aliquid jurisclamei commoditatis authoritatis aut interesse in et ad dict terras aut provinciam praedict vel aliquam inibi jurisdictionem virtute alicujus praecedentis dispositionis aut diplomatis praetendere possunt Et ut viris honesto loco natis sese ad expeditionem istam subeundam et ad coloniae plantationem in

well in salt water as in fresh, of royal fishes, as of others, hunting, hawking, commodities, and hereditaments whatsoever ; together with full power, privilege, and jurisdiction of free regality and chancery for ever ; and with the gift and right of patronage of churches, chapels, and benefices, with tenants, tenandries, and services of free tenants thereof, together with offices of justiciary and admiralty respectively, within all the bounds respectively above mentioned ; together also with the power of erecting cities, free boroughs, free ports, towns, and boroughs of barony, and appointing markets and fairs within the bounds of the said lands, of holding courts of justiciary and admiralty within the limits of the said lands, rivers, ports, and seas ; together also with the power of imposing, levying, and receiving all tolls, customs, anchorages, and other dues of the said boroughs, markets, fairs, and free-ports, and of possessing and enjoying the same, as freely in all respects as any nobleman or gentleman (i. e. *baro major vel minor*) in this our kingdom of Scotland enjoyed, or could enjoy them, at any time, past or to come, with all other prerogatives, privileges, immunities, dignities, casualties, profits, and duties belonging and pertaining to the said lands, seas, and bounds thereof, and which we can give and grant as freely, and in ample form, as we or any of our noble progenitors have granted other charters, letters-patent, infeftments, gifts, or patents, to any one being our subject, of whatsoever degree or quality, to any society or community conducting such colonies, into whatsoever foreign parts, or discovering foreign lands, in as free and ample form as if the same were inserted in this our present charter : Also we have made, constituted, and appointed the said Sir William Alexander, his heirs and assignees, or their deputies, our Hereditary Lieutenants-General, to represent our royal person, as well by sea as by land, in the countries, sea-coasts, and boundaries foresaid, in going to the said lands, while he shall remain there, and in returning therefrom, to govern, rule, punish, and pardon all our subjects, who shall happen to go to the said lands, or to settle in the same, or who shall engage in trade with them, or shall remain in the same places, and to forgive them ; and to establish such laws, statutes, constitutions, directions, instructions, forms of government, and ceremonies of magistrates, within the said bounds, as shall seem fit to him Sir William Alexander, or his foresaids, for the government of the said country or its inhabitants, in all causes, as well criminal as civil, and for the altering and varying of the said laws, rules, forms and ceremonies, as often as he or his foresaids shall please, for the good and advantage of the said country, so as the said laws may be as agreeable as possible to the laws of this our kingdom of Scotland. Also, we will, that, in case of rebellion, or sedition, he shall use military laws against the offenders, or those withdrawing themselves from under his authority, as freely as another Lieutenant of any of our kingdoms or dominions, in virtue of the office of Lieutenant, has or may have (power to do,) excluding all other officers of this our kingdom of Scotland, by land or by sea, who hereafter, in virtue of any former disposition or patent, can pretend any claim of right, superiority, authority or interest, in and to the said lands or province foresaid, or to any jurisdiction therein : And that men of honourable birth may be incited to the undertaking of that expedi-

dictis terris addatur animus nos pro nobis nostrisque haeredibus et successoribus cum avisamento et consensu praedict virtute praesentis cartae nostrae damus et concedimus liberam et plenariam potestatam praefato Domino Willielmo Alexander suisque praedict conferendi favores privilegia munia et honores in demerentes cum plenaria potestate eisdem aut eorum alicui quos cum ipso Domino Willielmo suisque praedict pactiones vel contractus facere pro eisdem terris contigerit sub subscriptione sua vel suorum praedict et sigillo infra mentionato aliquam portionem seu portiones dictarum terrarum portuum navium stationum fluviorum aut praemissorum alicujus partis disponendi et extradonandi erigendi etiam omnium generum machinas artes vel scientias aut easdem exercendi in toto vel in parte sicuti ei pro bono ipsorum visum fuerit Dandi etiam et concedendi et attribuendi talia officia titulos jura et potestates constituendi et designandi tales capitaneos officiarios balivos gubernatores clericos omnesque alios regalitatis baroniae et burgi officiarios clericos aliosque ministros pro administratione justiciae infra bondas dictarum terrarum aut in via dum terras istas petunt per mare et ab eisdem redeunt sicuti ei necessarium videbitur secundum qualitates conditiones et personarum merita quos in aliqua coloniarum dictae provinciae aut aliqua ejusdem parte habitare contigerit aut qui ipsorum bona et fortunas pro commodo et incremento ejusdem periculo committent et eosdem ab officio removendi alterandi et mutandi prout ei suisque praescript videbitur expediens Et quum hujusmodi conatus non sine magno labore et sumptibus fiunt magnamque pecuniae largitionem requirant adeo ut privati cujusvis fortunas excedant et multorum suppetiis indigeant ob quam causam dictus Dominus Willielmus Alexander suique praescript cum diversis nostris subditis aliisque pro particularibus periclitationibus et susceptionibus ibidem qui forte cum eo suisque haeredibus assignatis vel deputatis pro terris piscationibus mercimoniis aut populi transportatione cum ipsorum pecoribus rebus et bonis versus dictam Novam Scotiam contractus inibunt volumus ut quicunque tales contractus cum dicto Domino Willielmo suisque praedictis sub ipsorum subscriptionibus et sigillis expedient limitando assignando et affigendo diem et locum pro personarum bonorum rerumque deliberatione in navem imponend sub forisfactura cujusdam monetae summae et eosdem contractus non perficient sed ipsum frustrabunt et in itinere designato ei nocebunt quod non solum dicto Domino Willielmo suisque praedict prout esse praejudicio et nocumento verum etiam nostrae tam laudabili intentioni obstabit et detrimentum inferet tunc licitum erit dicto Domino Willielmo suisque praedict vel eorum deputatis et conservatoribus inframentionatis in eo casu sibi suisve praedict quos ad hunc effectum substituet omnes tales summas monetae bona et res forisfactas per talium contractuum violationem assumere Quod ut facilius fiat et legum prolixitas evitetur dedimus et concessimus tenoreque praesentium damus et concedimus plenariam potestatem nostri consilii dominis ut eos in ordinem redigant et talium contractuum vel foederum violatores pro transportatione populorum fact puniant Et licet omnes tales contractus inter dictum Dominum Willielmum suosque praedict et praedictos periclitatores per periclitationem et transportationem populorum cum ipsorum bonis et rebus ad statutum diem perficientur et ipsi cum suis omnibus pecoribus et bonis ad littus illius provinciae

tion, and the planting of a colony in the said lands, we, for us, and our heirs and successors, with advice and consent foresaid, in virtue of our present charter, give and grant free and full power to the aforesaid Sir William Alexander, and his foresaids, of conferring favours, privileges, offices and honours, on the deserving, with plenary power of disponing and overgiving to them, or any of them, who shall happen to make the foresaid agreements or contracts for the said lands with him Sir William, and his foresaids, under his subscription, or theirs, and the seal under mentioned, any portion or portions of the said lands, ports, naval stations, rivers, or any part of the premises; also of erecting inventions of all sorts, arts or sciences, or practising the same in whole or in part for their good, as shall seem to him fit: Also of giving, granting and bestowing such offices, titles, rights and powers, constituting and appointing such captains, officers, bailies, rulers, clerks, and all other regality, barony, and borough officers, clerks and other functionaries, for the administration of justice within the bounds of the said lands, or on the way while they go by sea to those lands, and return therefrom, as shall seem to him necessary, according to the qualities, conditions and merits of the persons who shall happen to reside in any colony of the said province, or any part thereof, or who shall adventure their means and fortunes for the advantage and improvement thereof, and removing the same from office, altering and changing them as shall seem to him and his aforesaids expedient: And seeing undertakings of this kind are not effected without great labour and charges, and require a great advance of money so as to exceed any private person's fortune, and on which account the said Sir William Alexander, and his before written, may want supplies of many things for particular enterprises and undertakings there with divers of our subjects, and others who probably shall enter into contracts with him and his heirs, assignees or deputies, for lands, fishings, merchandizes, or the transportation of the people, with their flocks, effects and goods, towards Nova Scotia aforesaid, we will, that whosoever shall so complete contracts with the said Sir William, and his before written, under their subscriptions and seals, limiting, assigning, and fixing the day and place for the delivery of the persons, goods and effects to be put on shipboard, under the forfeiture of any sum of money, and shall not perform the said contracts, but shall disappoint him and injure him in the intended voyage, which not only will be of prejudice and hurt to the said Sir William, and his foresaids, but also will obstruct and be detrimental to our so laudable purpose, then it shall be lawful to the said Sir William, and his foresaids, or their deputies and conservators under mentioned, in that case to take to himself, or his foresaids, whom he shall substitute for this effect, all such sums of money, goods and effects, forfeited by the violation of such contracts, which, that it may be the more easily done and the delay of law avoided, we have given and granted, and by these presents give and grant full power, to the Lords of our Council, that they reduce them to order, and punish the violators of such contracts or agreements made for the transportation of the people: And although all such contracts between the said Sir William, and his foresaids, and the foresaid adventurers, shall be performed by the enterprise and transportation of people, with their goods and effects, at an appointed day, and they, with all their flocks

animo coloniam ducendi et remanendi appellent et nihilominus postea vel omnino provinciam Novae Scotiae et ejusdem confinia sine licentia dicti Domini Willielmi suorumque praedict vel eorum deputatorum aut societatem et coloniam praedict ubi primum combinati et conjuncti fuerant derelinquent et ad agrestes indigenas in locis remotis et desertis habitandum sese conferent quod tunc amittent et forisfacient omnes terras prius iis concess omnia etiam bona infra omnes praedictas bondas licitumque erit praedicto Domino Willielmo suisque praedict eadem fisco applicare et easdem terras recognoscere eademque omnia ad ipsos vel eorum aliquem quovismodo spectantia possidere et suo peculiari usui suorumque praedict applicare et convertere Et ut omnes dilecti nostri subditi tam regnorum nostrorum et dominiorum quam alii extranei quos ad dictas terras aut aliquam earundem partem ad mercimonia contrahenda navigare contigerit melius sciant et obedientes sint potestati et authoritati per nos in praedictum fidelem nostrum consiliarum Dominum Willielmum Alexander suosque praedict collatae in omnibus talibus commissionibus warrantis et contractubus quos quovis tempore futuro faciet concedet et constituet pro decentiori et validiori constitutione officiariorum pro gubernatione dictae coloniae concessione terrarum et executione justiciae dictos inhabitantes periclitantes deputatos factores vel assignatos tangen in aliqua dictarum terrarum parte vel in navigatione ad easdem terras nos cum avisamento et consensu praedicto ordinamus quod dictus Dominus Willielmus Alexander suique praedict unum commune sigillum habebunt ad officium Locum tenentis justiciariae et admiralitatis spectan quod per dictum Dominum Willielmum Alexander suosque praedict vel per suos deputatos omni tempore affuturo custodietur in cujus uno latere nostra insignia insculpentur cum his verbis in ejusdem circulo et margine Sigillum Regis Scotie Anglie Francie et Hybernie et in altero latere imago nostra nostrorumque successorum cum his verbis (Pro Nove Scotie Locum tenente) cujus justum exemplar in manibus ac custodia conservatoris privilegiorum Novae Scotiae remanebit quo ut occasio requiret in officio suo utatur Et quum maxime necessarium sit ut omnes dilecti nostri subditi quotquot dictam provinciam Novae Scotiae vel ejus confinia incolent in timore Omnipotentis Dei et vero ejus cultu simul vivant omni conamine intentus Christianam religionem inibi stabilire pacem etiam et quietem cum nativis incolis et agrestibus aboriginibus earum terrarum colere (unde ipsi et eorum quilibet mercimonia ibi exercentes tuti cum oblectamento ea quae magno cum labore et periculo acquisiverunt quiete possidere possunt) nos pro nobis nostrisque successoribus volumus nobisque visum est per presentis cartae nostrae tenorem dare et concedere dicto Domino Willielmo Alexander suisque praedict et eorum deputatis vel aliquibus aliis nostris gubernatoribus officiariis et ministris quos ipsi constituent liberam et absolutam potestatem tractandi et pacem affinitatem amicitiam mutua colloquia operam et communicationem cum agrestibus illis aboriginibus et eorum principibus et quibuscunque aliis regimen et potestatem in ipsos habentibus contrahendi observandi et alendi tales affinitates et colloquia quae ipsi vel sui praedict cum iis contrahent modo foedera illa ex adversa parte

and goods, arrive at the shore of that province, with the purpose of conducting a colony, and remaining; and, nevertheless, shall afterwards leave either the province of Nova Scotia altogether, and the boundaries thereof, without the permission of the said Sir William, and his foresaids, or their deputies, or the society and colony foresaid, where they first collected together, and were united, and shall betake themselves to the wild natives, to dwell in remote and desolate places, that then they shall lose and forfeit all the lands before granted to them, also all goods within all the foresaid bounds; and it shall be lawful to the aforesaid Sir William, and his foresaids, to confiscate the same, and recognosce (claim back) the said lands, and possess and apply and convert to his own and his foresaids peculiar use the same, and all things any way belonging to them, or any of them: And that all our loving subjects of our kingdoms and dominions, as well as others being foreigners, who, to engage in merchandize, shall happen to sail to the said lands, or any part of them, may the better know, and be obedient to the power and authority conferred by us on our foresaid faithful councillor, Sir William Alexander, and his foresaids, in all such commissions, warrants and contracts, as he shall at any future time make, grant and provide for the more proper and valid appointment of officers, for the government of the said colony, granting of lands, and execution of justice, touching the said inhabitants, adventurers, deputies, stewards, or assignees, in any part of the said lands, or in sailing thereto, we, with advice and consent foresaid, ordain that the said Sir William Alexander, and his foresaids, shall have one common seal belonging to the office of Lieutenant Justiciary and Admiralty, which shall be kept by the said Sir William Alexander, and his foresaids, or their deputies, in all time coming, on one side of which shall be engraved our arms, with these words in the circle and border thereof, Sigillum Regis Scotie Anglie Francie et Hybernie, and on the reverse side our likeness, and that of our successors, with these words, (Pro Nove Scotie Locumtenente,) a just model of which shall remain in the hands and custody of the Conservator of the privileges of Nova Scotia, which he can use in his office as occasion shall require: And whereas it it principally necessary that all our loving subjects, whatever number there may be, that shall settle in the said province of Nova Scotia, or its bounds, live together in the fear of Almighty God, and in his true worship, with every endeavour of purpose to establish the Christian religion therein; also to cultivate peace and quiet with the natives and wild original inhabitants of those lands, (whence they and any of them, safely with satisfaction prosecuting trade there, may be able quietly to possess what with labour and hazard they have acquired,) we, for us, and our heirs and successors, will, and see fit, by our present charter, to give and grant to the said Sir William Alexander, and his foresaids, and their deputies, or any others our rulers, officers and functionaries, whom they shall appoint, free and absolute power of treating for, and contracting peace, alliance, friendship, mutual conferences, service, and communication with those wild original inhabitants and their chiefs, and whatsoever others, having rule and power over them, of observing, and cherishing such alliances and conferences, as they or their foresaids shall contract with them, provided those contracts are faithfully observed, on the other side, by those bar-

per ipsos silvestres fideliter observentur quod nisi fiat arma contra ipsos sumendi quibus redigi possunt in ordinem sicuti dicto Domino Willielmo suisque praedict et deputatis suis pro honore obedientia et Dei servitio ac stabilimento defensione et conservatione authoritatis nostrae inter ipsos expediens videbitur Cum potestate etiam praedicto Domino Willielmo Alexander suisque praescriptis per ipsos vel eorum deputatos substitutos vel assignatos pro eorum defensione et tutela omni tempore et omnibus justis occasionibus imposterum aggrediendi ex inopinato invadendi expellendi et armis repellendi tam per mare quam per terram omnibus modis omnes et singulos qui sine speciali licentia dicti Domini Willielmi suorumque praedict terras eas inhabitare aut mercaturam exercere in dicta provincia Novae Scotiae aut quavis ejusdem parte conabuntur et similiter omnes alios quoscunque qui aliquid damni detrimenti destructionis laesionis vel invasionis contra provinciam illam aut ejusdem incolas inferre praesumunt quod ut facilius fiat licitum erit dicto Domino Willielmo suisque praedict eorum deputatis factoribus et assignatis contributiones a periclitantibus et incolis ejusdem levare in unum cogere per proclamationes vel quovis alio ordine talibus temporibus sicuti dicto Domino Willielmo suisque praedict expediens videbitur omnes nostros subditos infra dictas limites dictae provinciae Novae Scotiae inhabitantes et mercimonia ibidem exercentes convocare pro meliori exercitio necessariorum supplemento et populi ac plantationis dict terrarum augmentatione et incremento Cum plenaria potestate privilegio et libertate dict Domino Willielmo Alexander suisque praescriptis per ipsos vel eorum substitutos per quaevis maria sub nostris insigniis et vexillis navigandi cum tot navibus tanti oneris et tam bene munitione viris et victualibus instructis sicuti possunt parare quovis tempore et quoties iis videbitur expediens ac omnes cujuscunque qualitatis et gradus personas subditi nostri existentes aut qui imperio nostro sese subdere ad iter illud suscipiendum voluerint cum ipsorum jumentis equis bobus ovibus bonis et rebus omnibus munitionibus machinis majoribus armis et instrumentis militaribus quotquot voluerint aliisque commoditatibus et rebus necessariis pro usu ejusdem coloniae mutuo commercio cum nativis inhabitantibus earum provinciarum aut aliis qui cum ipsis plantatoribus mercimonia contrahent transportandi et omnes commoditates et mercimonia quae iis videbuntur necessaria in regnum nostrum Scotiae sine alicujus taxationis custumae et impositionis pro eisdem solutione nobis vel nostris custumariis aut eorum deputatis inde portandi eosdemque ab eorum officiis in hac parte pro spatio septem annorum diem datae praesentis cartae nostrae immediate sequen inhibendo quamquidem solam commoditatem per spatium tredecim annorum imposterum libere concessimus tenoreque praesentis cartae nostrae concedimus et disponimus dicto Domino Willielmo suisque praedict secundum proportionem postea mentionat Et post tredecim illos annos finitos licitum erit nobis nostrisque successoribus ex omnibus bonis et mercimoniis quae ex hoc regno nostro Scotiae ad eandem provinciam Novae Scotiae vel ex ea provincia ad dictum regnum nostrum Scotiae exportabuntur vel importabuntur in quibusvis hujus regni nostri portubus per dictum Dominum Willielmum suosque praedict tantum quinque libras pro centum secundum antiquum negotiandi modum sine ulla alia impositione taxatione custuma vel devoria ab ipsis im-

barians themselves; and, unless that take place, of taking up arms against them, whereby they may be reduced to order, as shall seem expedient to the said Sir William, and his foresaids, and their deputies, for the honour, obedience, and service of God, and the establishment, defence and preservation of our authority amongst them: Also, with power to the foresaid Sir William Alexander, and his foresaids, by themselves, or their deputies, substitutes, or assignees, for their defence and protection, in all time, and on all just occasions hereafter, of attacking suddenly, invading, expelling, and, with arms, repelling in all ways, as well by sea as by land, all and sundry who shall attempt, without the special permission of the said Sir William, and his foresaids, to settle in those lands, or exercise trade in the said province of Nova Scotia, or any part thereof; and, in like manner, all others, whomsoever, who presume to induce any loss, detriment, destruction, hurt, or invasion of that province, or the inhabitants thereof, which that it may be the more easily effected, it shall be lawful to the said Sir William, and his foresaids, their deputies, stewards, and assignees, to levy contributions from the adventurers and inhabitants of the same, to gather them into one, by proclamations, or by any other order, at such times as shall seem expedient to the said Sir William, and his foresaids, to assemble all our subjects, residing within the said boundaries of the said province of Nova Scotia, and following trade there, for the better supply of the necessary army, and the augmentation and improvement of the people, and plantation of the said lands: With full power, privilege, and liberty to the said Sir William Alexander, and his foresaids, by themselves, or their substitutes, of navigating any seas under our ensigns and flags, with as many ships of as great burthen, and as well furnished with ammunition, men, and provisions, as they can prepare at any time, and as often as shall seem to them expedient, and of transporting all persons, of whatsoever quality and degree, being our subjects, or who, to submit themselves to our government, shall desire to undertake that voyage, with their beasts of burthen, horses, cattle, sheep, goods, and whole effects, ammunition, engines, great arms, and military instruments, as many as they desire, and other commodities and articles, necessary for the use of the said colony, for mutual traffick with the native inhabitants of those provinces, or others, who shall engage in trade with those planters, and of carrying from thence all commodities and merchandizes, which shall seem to them necessary, into our kingdom of Scotland, without the payment to us, or the officers of our customs, or their deputies, of any tax, custom, and impost for the same, and discharging them of their offices, in that part, for the space of seven years, immediately following the day of the date of our present charter, which advantage, alone, we have granted, and, by our present charter, grant and dispone freely to the said Sir William, and his foresaids, for the space of thirteen years hereafter, according to the rate after mentioned; and, after those thirteen years have expired, it shall be lawful to us, and our successors, to levy and exact from all goods and merchandizes, which shall be exported from this our kingdom of Scotland to the said province of Nova Scotia, or imported from that province to our said kingdom of Scotland, into any ports of this our kingdom, by the said Sir William, and his foresaids, five pounds per cent. only, according to the ancient manner of mercantile trading, without any other

posterum levare et exigere quaequidem summa quinque librarum pro centum sic soluta per dict Dominum Willielmum suosque praedict aliisque nostris officiariis ad hunc effectum constitutis exinde licitum erit dicto Domino Willielmo suisque praedict eadem bona de hoc regno nostro Scotiae in quasvis alias partes et regiones extraneas sine alicujus alterius custumae taxationis vel devoriae solutione nobis vel nostris haeredibus aut successoribus aut aliquibus aliis transportare et avehere proviso tamen quod dicta bona infra spatium tredecim mensium post ipsarum in quovis hujus regni nostri portu appulsionem navi rursus imponantur Dan et conceden absolutam et plenariam potestatem dicto Domino Willielmo suisque praedict ab omnibus nostris subditis qui colonias deducere mercimonia exercere aut ad easdem terras Novae Scotiae et ab eisdem navigare voluerint praeter dictam summam nobis debitam pro bonis et mercimoniis quinque libras de centum vel ratione exportationis ex hoc regno nostro Scotiae ad dictam provinciam Novae Scotiae vel importationis a dicta provincia ad hoc regnum nostrum Scotiae praedict in ipsius ejusque praedict proprios usus sumendi levandi et recipiendi et similiter de omnibus bonis et mercimoniis quae per nostros subditos coloniarum ductores negotiatores et navigatores de dicta provincia Novae Scotiae ad quaevis nostra dominia aut alia quaevis loca exportabuntur vel a nostris regnis et aliis locis ad dictam Novam Scotiam importabuntur ultra et supra dictam summam nobis destinatam quinque libras de centum Et de bonis et mercimoniis omnium extraneorum aliorumque sub nostra obedientia minime existentium quae vel de dicta provincia Novae Scotiae exportabuntur vel ad eandem importabuntur ultra et supra dict summam nobis destinatam decem libras de centum dicti Domini Willielmi suorumque praedict propriis usibus per tales ministros officiarios vel substitutos eorumve deputatos aut factores quos ipsi ad hunc effectum constituent et designabunt levandi sumendi ac recipiendi Et pro meliori dicti Domini Willielmi suorumque praedict aliorumque omnium nostrorum subditorum qui dictam Novam Scotiam inhabitare vel ibidem mercimonia exercere voluerint securitate et commoditate et generaliter omnium aliorum qui nostrae authoritati et potestati sese subdere non gravabuntur nobis visum est volumusque quod licitum erit dicto Domino Willielmo suisque praedictis unum vel plura munimina propugnacula castella loca fortia specula armamentaria *lie blokhoussis* aliaque aedificia cum portubus et navium stationibus aedificare vel aedificari causare una cum navibus bellicis easdemque pro defensione dict locorum applicari sicuti dicto Domino Willielmo suisque praedict pro dicto conamine perficiendo necessarium videbitur proque ipsorum defensione militum catervas ibidem stabilire praeter praedicta supramentionata et generaliter omnia facere quae pro conquaestu augmentatione populi inhabitatione preservatione et gubernatione dictae Novae Scotiae ejusdemque orarum et territorii infra omnes hujusmodi limites pertinentias et dependentias sub nostro nomine et authoritate quodcunque nos si personaliter essemus praesentes facere potuimus licet casus specialem et strictum magis ordinem quam in hac praesenti carta nostra praescribitur requirat cui mandato volumus et ordinamus strictissimeque praecipimus omnibus nostris justiciariis officiariis et subditis ad loca illa sese conferentibus ut sese applicent dictoque Domino Willielmo suisque praedictis in omnibus et sin-

impost, tax, custom, or duty, from them hereafter; which sum of five pounds per cent. being so paid by the said Sir William, and his foresaids, to our officers and others, to this effect appointed, it shall thereafter be lawful to the said Sir William, and his foresaids, to transport and carry away the said goods from this our kingdom of Scotland, into any other parts and foreign countries, without the payment to us, or our heirs or successors, or any others, of any other custom, tax, or duty, provided, however, the said goods, within the space of thirteen months after their arrival in any part of this our kingdom, be again put on ship board; giving and granting absolute and full power to the said Sir William, and his foresaids, of taking, levying, and receiving, to his own, and his foresaids proper uses, from all our subjects, who shall desire to conduct colonies, follow trade, or sail to the said lands of Nova Scotia, or from them, for goods and merchandizes, five pounds per cent. over and above the said sum due to us; whether on account of the exportation from this our kingdom of Scotland to the said province of Nova Scotia, or of the importation from the said province to this our kingdom of Scotland foresaid; and, in like manner, from all goods and merchandizes which shall be exported by our subjects, conductors of colonies, traders, and navigators, from the said province of Nova Scotia, to any of our dominions, or any other places, or shall be imported from our kingdoms, and other places into Nova Scotia foresaid, five pounds per cent. over and above the said sum destined to us; and of levying, taking, and receiving, to the proper uses of the said Sir William, and his foresaids, by such functionaries, officers, or substitutes, or their deputies or factors, whom they shall constitute and appoint for this effect, from the goods and merchandizes of all foreigners and others, not being under our obedience, which shall be either exported from the said province of Nova Scotia, or imported into it, ten pounds per cent. over and above the said sum destined to us: And for the better security and advantage of the said Sir William, and his foresaids, and all others, our subjects, who shall desire to settle in Nova Scotia aforesaid, or to follow trade there, and, generally, of all others who shall not refuse to submit themselves to our authority and power, we have seen fit, and do will, that it shall be lawful to the said Sir William, and his foresaids, to construct, or cause to be constructed, one or more forts, fortresses, castles, strongholds, watch-towers, blockhouses, and other edifices, with ports and naval stations, together with ships of war; and the same to be applied for the defence of the said places, as shall seem to the said Sir William, and his foresaids, necessary for accomplishing the said undertaking; and to establish for their defence parties of soldiers, beside the foresaid things above mentioned; and, generally, all things whatsoever to do for the acquisition, improvement, settlement of the people, preservation and government of Nova Scotia aforesaid, and the coasts and territory thereof, with all its limits, pertinents and dependencies, under our name and authority, that we could do if we were personally present, although the case may require a more special and a stricter course than in this our present charter is prescribed, to which command we will, and ordain, and most strictly require all our justices, officers and subjects, repairing to those places, that they conform themselves, and attend to and obey the said Sir William, and his foresaids, in all

gulis supra mentionatis earum substantiis et dependentiis intendant et obediant eisque in earum executione in omnibus adeo sint obedientes ut nobis cujus personam representat esse deberet sub poena disobedientiae et rebellionis Declaramus insuper per praesentis cartae nostrae tenorem omnibus Christianis regibus principibus et statibus quod si aliquis vel aliqui qui imposterum de dictis coloniis vel de earum aliqua sit in provincia Novae Scotiae predict vel aliqui alii sub eorum licentia et mandato quovis tempore futuro piraticam exercentes per mare vel terram bona alicujus abstulerint vel aliquod injustum aut indebitum hostiliter contra aliquos nostros nostrorumve haeredum aut successorum seu aliorum regum principum gubernatorum aut statuum in foedere nobiscum existen subditos quod tali injuria sic oblata aut justa querela desuper mota per aliquem regem principem gubernatorem statum vel eorum subditos predict nos nostri haeredes et successores publicas proclamationes fieri curabimus in aliqua parte dicti regni nostri Scotiae ad hunc effectum magis commoda ut dict pirata vel piratae qui tales rapinas committent stato tempore per prefatas proclamationes limitando plenarie restituant quaecunque bona sic ablata et pro dictis injuriis omnimodo satisfacient ita ut dicti principes aliique sic conquirentes satisfactos se esse reputent et quod si talium facinorum commissores neque satisfactionem condignam facient nec fieri infra tempus limitandum curabunt quod tunc is vel ii qui tales rapinas commiserint neque sunt nec imposterum sub nostra obedientia et protectione erint quodque licitum et legitimum erit omnibus principibus aliisque quibuscunque tales delinquentes eorumve quemlibet omni cum hostilitate prosequi et invadere Et licet neminem nobilem et generosum de patria hac sine licentia nostra discedere statutum sit nihilominus volumus quod hoc presens nostrum diploma sufficiens erit licentia et warrantum omnibus qui se huic itinere committent nisi qui laesaemajestatis sint rei aut aliquo alio speciali mandato sint inhibiti atque per praesentis cartae tenorem declaramus volumusque quod nemo patria hac discedere permittatur et ad dictam regionem Novae Scotiae tendere nisi qui juramentum nostrae supremitatis primum susceperint ad quem effectum nos tenore praesentis cartae nostrae dicto Domino Willielmo suisque praedict vel eorum conservatoribus et deputatis idem hoc juramentum omnibus personis versus illas terras in ea colonia sese conferentibus requirere et exhibere plenariam potestatem et authoritatem damus et concedimus Praeterea nos cum avisamento et consensu praedicto pro nobis et successoribus nostris declaramus decernimus et ordinamus quod omnes nostri subditi qui ad dictam Novam Scotiam proficiscentur aut eam incolent eorumque omnes liberi et posteritas qui ibi nasci contigerit aliique omnes ibidem periclitantes habebunt et possidebunt omnes libertates immunitates et privilegia liberorum et naturalium subditorum regni nostri Scotiae aut aliorum nostrorum dominiorum sicuti ibidem nati fuissent Insuper nos pro nobis et successoribus nostris damus et concedimus dicto Domino Willielmo suisque praedict liberam potestatem stabiliendi et cudere causandi monetam pro commercio liberiori inhabitantium dictae provinciae cujusvis metalli quo modo et qua forma voluerint et easdem praescribent Atque etiam si quae quaestiones aut dubia super interpretatione et constructione alicujus clausulae in

and sundry the matters above mentioned, their substances and dependencies; and be equally obedient to them in their execution in all points, as he ought to be to us, whose person he represents, under the penalty of disobedience and rebellion. Moreover, we declare, by our present charter, to all Christian kings, princes and states, that if, hereafter, any from the said colonies, or any of them, in the province of Nova Scotia foresaid, or any other persons, under their permission and command, at any time to come, who may be practising piracy by sea or land, shall abstract the goods of any person, or in a hostile manner do any injustice or wrong against our subjects, or (those) of our heirs or successors, or of other kings, princes, governors, or states, who are in alliance with us, that upon such injury so offered, or just complaint moved thereon, by any king, prince, governor, state, or their subjects foresaid, we, our heirs and successors, shall take care that public proclamations be made in any part of our said kingdom of Scotland, most convenient for this effect, that the said pirate or pirates, who shall commit such violences, fully restore, within a stated time, to be limited by the foresaid proclamations, whatsoever goods were so abstracted, and make satisfaction for the said injuries, so as the said princes, and others, so complaining, shall consider themselves to be satisfied; and that if the committers of such crimes shall neither make condign satisfaction, nor take care that it be made within the time to be limited, that then he or they who have committed such violences, neither are, nor ever shall be under our obedience and protection; and that it shall be allowable and lawful to all princes and others, whatsoever, to proceed against such offenders, with all hostility, and invade them: And although it is appointed, that no nobleman and gentleman depart from this country without our permission, nevertheless we will, that this our present patent shall be a sufficient permission and warrant to all who shall engage in the said voyage, unless those who may be under a charge of treason, or by any other special authority prevented: And we declare, by the present charter, and do will, that no person be permitted to leave this country, and to go to the said country of Nova Scotia, unless they who shall have previously taken the oath of our supremacy; to which effect, we, by our present charter, give and grant full power and authority to the said Sir William, and his foresaids, or their conservators and deputies, to require the said oath from, and administer it to all persons betaking themselves to the said lands in that colony: Further, we, with advice and consent foresaid, for us and our successors, declare, decern and ordain, that all our subjects who shall go to Nova Scotia foresaid, or settle in it, and all their children and posterity who shall happen to be born there, and all others adventuring there, shall have and possess all the liberties, immunities and privileges of children and natural (born) subjects of our kingdom of Scotland, or of our other dominions, as if they had there been born. Moreover, we, for us and our successors, give and grant free power to the said Sir William, and his foresaids, of establishing and causing money to be coined for the more unrestricted commerce of the inhabitannts of the said province, of any metal, in what fashion, and in what form they shall direct and prescribe the same: And, also, if any questions or doubts shall occur on the interpretation and construction of any clause contained in this our present charter, they shall

hac praesenti carta nostra contentae occurrent ea omnia sumentur et interpretabuntur in amplissima forma et in favorem dicti Domini Willielmi suorumque praedict Praeterea nos ex nostra certa scientia proprio motu authoritate et potestate regali fecimus univimus annexavimus ereximus creavimus et incorporavimus tenoreque praesentis cartae nostrae facimus unimus annexamus erigimus creamus et incorporamus totam et integram dictam provinciam et terras Novae Scotiae cum omnibus earundem limitibus et mariis in unum integrum et liberum Dominium et Baroniam per praedict nomen NOVAE SCOTIAE omni tempore futuro appellandum Volumusque et concedimus ac pro nobis nostrisque successoribus decernimus et ordinamus quod unica sasina nunc per dictum Dominum Willielmum suosque praedict omni tempore affuturo modo subsequen sumenda stabit et sufficiens erit sasina pro tota dicta regione cum omnibus partibus pendiculis privilegiis casualitatibus libertatibus et immunitatibus ejusdem supramentionatis absque aliqua alia speciali aut particuliari sasina per ipsum suosque praedict apud aliquam aliam partem capienda penes quam sasinam omniaque quae inde secuta sunt aut sequi possunt nos cum avisamento et consensu praescript pro nobis et successoribus nostris dispensavimus tenoreque praesentis cartae nostrae modo subtus mentionat dispensamus imperpetuum TENEN et HABEN totam et integram dictam regionem et dominium Novae Scotiae cum omnibus ejusdem limitibus infra praedicta maria cunctisque aliis privilegiis libertatibus immunitatibus casualitatibus aliisque supra expressis praefato Domino Willielmo Alexander haeredibus suis et assignatis de nobis et successoribus nostris in feodo haereditate libero dominio libera baronia et regalitate imperpetuum modo supra mentionato per omnes rectas metas et limites suas prout jacent in longitudine et latitudine in domibus aedificiis aedificatis et aedificandis boscis planis moris marresiis viis semitis aquis stagnis rivolis pratis pascuis et pasturis molendinis multuris et eorum sequelis aucupationibus venationibus piscationibus petariis turbariis carbonibus carbonariis cuniculis cunicularis columbis columbariis fabrilibus brasinis brueriis et genistis silvis nemoribus et virgultis lignis tignis lapicidiis lapide et calce cum curiis et eorum exitibus haerezeldis amerciamentis bluidwitis et mulierum merchetis cum communi pastura liberoque introitu et exitu cum furca fossa sok sac thole theme vert venisoun infangtheiff outfangtheiff pit et gallows ac cum omnibus aliis et singulis libertatibus commoditatibus proficuis asiamentis ac justis suis pertinentiis quibuscunque tam non nominat quam nominat tam subtus terra quam supra terram procul et prope ad praedict dominium baroniam et regalitatem spectan seu juste spectare valen quomodolibet in futurum libere quiete plenarie integre honorifice bene et in pace absque ulla revocatione contradictione impedimento aut obstaculo quocunque Reddendo inde annuatim dictus Dominus Willielmus Alexander suique praedict nobis nostrisque haeredibus et successoribus unum denarium monetae regni nostri Scotiae super fundo dict terrarum et provinciae Novae Scotiae ad festum Nativitatis Christi nomine albae firmae si petatur tantum Et quia tentione dict terrarum et provinciae Novae Scotiae in alba firma ut praedicitur deficiente tempestivo et legitimo introitu cujusvis haeredis vel haeredum dicti Domini Willielmi sibi succeden quod difficulter per ipsos praestari potest ob longinquam distantiam ab hoc regno nostro eaedem terrae et provincia ratione non-introitus in manibus nostris nostrorumve succes-

be understood and explained in the most ample form, and in favour of the said Sir William, and his foresaids. Further, we, of our certain knowledge, proper motive, authority, and royal power, have made, united, annexed, erected, created and incorporated, and, by our present charter, make, unite, annex, erect, create and incorporate, all and whole the said province and lands of Nova Scotia, with all their boundaries and seas, into one entire and free Lordship and Barony, to be called, in all time coming, by the foresaid name of Nova Scotia; and will and grant, and for us and our successors decern and ordain, that one seisin now to be taken by the said Sir William, and his foresaids, in manner following, shall, in all time coming, stand and be sufficient seisin for the whole country, with all the parts, pendicles, privileges, casualties, liberties and immunities thereof above mentioned, without any other special or particular seisin by him and his foresaids, at any other part or place thereof; as to which seisin, and all that may or can follow thereon, we, with advice and consent foresaid, for us and our successors, have dispensed, and by our present charter in manner under mentioned, for ever dispensed: To be holden, and to hold all and whole the said country and lordship of Nova Scotia, with all the boundaries thereof, within the foresaid seas, and all other privileges, liberties, immunities, casualties and others above expressed, by the foresaid Sir William Alexander, his heirs and assignees, of us, and our successors, in fee, heritage, free lordship, free barony, and regality for ever, in manner above mentioned, by all their right meiths and marches, as they lie in length and breadth, in houses, buildings, built and to be built, thickets, plains, muirs, marshes, roads, footpaths, waters, pools, rivulets, meadows, grazings and pastures, mills, multures, and their sequels, hawkings, huntings, fishings, peat grounds, turf grounds, coals, coal pits, rabbits warrens, pigeons, dovecots, forges, kilns, breweries, and broom, woods, groves and shrubs, buried trees, timber, quarries, stone and lime, with courts and their dues, herezelds, (heriots,) unlaws, fines, and raids of women, with common pasture and free ish and entry, with gibbet, ditch, suit, liberty of pleas, toll, power of having servants, forestry, venison, jurisdiction over thieves, taken within and without the liberties, pit and gallows, and with all and sundry other liberties, commodities, profits, easements, and their just pertinents whatsoever, as well not named as named, under ground as above ground, far and near, belonging, or which may justly belong, in any manner, for the future, to the foresaid lordship, barony and regality, freely, quietly, fully, entirely, honourably, well, and peace, without any revocation, contradiction, impediment, or obstacle whatsoever: Giving, therefore, yearly, the said Sir William Alexander, and his foresaids, to us, and our heirs and successors, one penny Scots money, upon the ground of the said lands and province of Nova Scotia, at the feast of the Nativity of Christ, in name of blench farm, if asked only: And because by the holding of the said lands and province of Nova Scotia in blench farm, failing the timely and lawful entry of any heir or heirs of the said Sir William succeeding to him, which may with difficulty be performed by them, on account of the long distance from this our kingdom, the said lands and province may, by reason of non-entry, come into our, or our successors' hands, until the legal entry of the lawful

sorum devenient usque ad legitimum legitimi haeredis introitum et nos nolentes dictas terras et regionem quovis tempore in non-introitu cadere neque dictum Dominum Willielmum suosque praedict beneficiis et proficuis ejusdem eatenus frustrari idcirco nos cum avisamento praedict cum dicto non-introitu quandocunque contigerit dispensavimus tenoreque praesentis cartae nostrae pro nobis et successoribus nostris dispensamus ac etiam renunciavimus et exoneravimus tenoreque ejusdem cartae nostrae cum consensu praedicto renunciamus et exoneramus dictum Dominum Willielmum suosque praedictos de praefato non-introitu dictae provinciae et regionis cum omni beneficio et commoditate earundem firmis proficuis censibus et devoriis hujusmodi cum omnibus quae desuper sequi possunt quandocunque in manibus nostris devenient aut ratione non-introitus cadent proviso tamen quod dictus Dominus Willielmus suique haeredes et assignati infra spatium septem annorum post decessum et obitum suorum praedecessorum aut introitum ad possessionem dict terrarum aliorumque praedict per ipsos vel eorum legitimos procuratores ad hunc effectum potestatem habentes nobis nostrisque successoribus homagium faciant et dictum dominium terras et baroniam aliaque praedict adeant et per nos recipientur secundum leges et statuta dicti regni nostri Scotiae in quoquidem casu haeredes et assignati dicti Domini Willielmi Alexander non obstan praedicto non-introitu gaudebunt et possidebunt omnes et singulas praedictas terras regionem et dominium Novae Scotiae cum omnibus et singulis proficuis commoditatibus beneficiis privilegiis et libertatibus earund ac si dictus non-introitus non fuisset vel ac si in non-introitum nunquam cecidissent QUAEQUIDEM terrae regio et dominium Novae Scotiae tam terra firma quam insulae infra omnes et singulas dictas bondas et maria earund cum silvis piscationibus tam in aquis salsis quam dulcibus tam piscium regalium quam aliorum cum margaritis praeciosis lapidibus venis mineralibus regiis auri et argenti aliis mineralibus ferri chalybis plumbi cupri aeris stanni orichalci aliisque quibuscunque ac omnibus privilegiis libertatibus immunitatibus praerogativis officiis et jurisdictionibus aliisque specialiter et generaliter supra-recitat perprius ad dict Dominum Willielmum Alexander suosque haeredes et assignatos pertinuerunt et per ipsum suosque procuratores suo nomine in manibus nostris debite et legitime resignatae fuerunt et hoc pro novo nostro haereditario infeofamento earund in favorem dicti Domini Willielmi suorumve haeredum et assignatorum praedict in debita et competenti forma ut congruit concedend tenend ut dictum est cum dispensatione non-introitus modo prescripto cum contigerit Insuper nos cum avisamento praescripto pro bono fideli et gratuito servitio nobis per dictum Dominum Willielmum Alexander praestito et impenso et respectu habito magnarum et multarum expensarum et sumptuum conferend et impendend in plantatione dict bondarum dominii et regionis Novae Scotiae et earund sub nostra obedientia reductione aliisque gravibus et causis onerosis DE NOVO Dedimus concessimus et disposuimus tenoreque praesentis cartae nostrae Damus concedimus et disponimus praefato Domino Willielmo Alexander suisque haeredibus et assignatis haereditarie Omnes et singulas praedictas terras dominium et regionem Novae Scotiae una cum omnibus et singulis castellis turribus fortaliciis manerierum locis domibus aedificiis exstructis et exstruendis hortis pomariis plantatis et plantandis toftis croftis pratis pascuis

heir ; and we, being unwilling that the said lands and country shall, at any time, fall in non-entry, or that the said Sir William, and his foresaids, should be so far disappointed of the benefits and profits of the same, we, with advice foresaid, have dispensed, and, by our present charter, for us and our successors, dispense with the said non-entry whensoever it shall happen ; as also we have renounced and exonerated, and, by our said charter, with consent foresaid, renounce and exonerate the said Sir William, and his foresaids, of the aforesaid non-entry of the said province and country, with all benefit and advantage thereof, farms, profits, taxations and duties whatsoever, with all that can follow thereupon, whensoever they shall, by reason of non-entry, come or fall into our hands, provided, however, the said Sir William, and his heirs and assignees, within the space of seven years after the decease and death of their predecessors, or entry to possession of the said lands and others foresaid, by themselves, or their lawful procurators, having power for this effect, do homage to us and our successors, and enter to the said lordship, lands and barony, and others foresaid, and shall be received by us, according to the laws and statutes of our said kingdom of Scotland ; in which case the heirs and assignees of the said Sir William Alexander shall, notwithstanding the foresaid non-entry, enjoy and possess all and sundry the foresaid lands, country, and lordship of Nova Scotia, with all and sundry profits, commodities, benefits, privileges, and liberties of the same, as if the said non-entry had never happened, or as if they had never fallen in non-entry: Which lands, country, and lordship of Nova Scotia, as well main land as islands, within all and sundry the said bounds and seas thereof, with the woods, fishings, as well in salt waters as in fresh, of royal fishes as of others, with pearls, precious stones, veins, royal minerals of gold and silver, other minerals of iron, steel, lead, copper, brass, tin, mountain brass, and others whatsoever ; and all privileges, liberties, immunities, prerogatives, offices and jurisdictions, and others, specially and generally, above recited, formerly belonged to the said Sir William Alexander, and his heirs and assignees, and were by him and his procurators, in his name, duly and lawfully resigned in our hands ; and that for our new heritable infeftment of the same to be granted in favour of the said Sir William, or his heirs and assignees foresaid, in due and competent form, as accords, to be holden, as said is, with dispensation of non-entry, in manner before written, when it shall happen. Moreover, we, with advice before written, for the good, faithful, and willing service performed and rendered to us by the said Sir William Alexander, and respect being had to the great and manifold expenses and charges bestowed and expended in the plantation of the said bounds of the lordship and country of Nova Scotia, and reduction of them, under our obedience, and for other weighty and onerous causes, have of new given, granted, and disponed, and, by our present charter, give, grant, and dispone to the before-mentioned Sir William Alexander, and his heirs and assignees, heritably, all and sundry the foresaid lands, lordship, and country of Nova Scotia, together with all and sundry castles, towns, fortalices, manor places, houses, buildings, built and to be built, gardens, orchards, planted and to be planted, tofts, crofts, meadows, grazings, woods, shrubs, mills, multures,

silvis virgultis molendinis multuris terris molendinariis piscationibus tam rubrorum quam aliorum piscium salmonum piscium tam magnorum quam minutorum tam in aquis salsis quam dulcibus una cum omnibus et singulis decimis garbalibus earundem inclusis tam magnis quam minutis cum advocatione donatione beneficiorum ecclesiarum et capellaniarum et juribus patronatuum earund annexis connexis dependentiis tenentibus tenandriis et libere tenentium servitiis earund Una cum omnibus et singulis praeciosis lapidibus gemmis cristallo alumine corallio et aliis cum omnibus et singulis mineralibus venis et lapicidiis earund tam metallorum et mineralium regalium et regiorum auri et argenti infra dictas bondas et dominium Novae Scotiae quam aliorum mineralium ferri chalybis stanni plumbi cupri aeris orichalci aliorumque mineralium quorumcunque cum omnibus et singulis partibus pendiculis pertinentiis privilegiis libertatibus et immunitatibus omnium et singularum praedictarum terrarum dominii et regionis Novae Scotiae cum plena potestate et privilegio dicto Domino Willielmo Alexander haeredibus suis et assignatis tentandi et investigandi fodiendi et scrutandi fundum pro eisdem et extrahendi eadem purgandi repurgandi et purificandi eadem utendi convertendi ac suis propriis usibus applicandi (reservata solummodo nobis nostrisque successoribus decima parte regalium metallorum vulgo appellat *The ore* auri et argenti inveniend et extrahend in posterum de dictis terris et regione) et reliqua dict metallorum mineralium praeciosorum lapidum gemmarum ac aliorum quorumcunque dicto Domino Willielmo Alexander suisque haeredibus et assignatis pertinebunt cum ipsis perpetuo remanend eorumque propriis usibus convertend cum omnibus proficuis et devoriis earund Cum potestate dicto Domino Willielmo Alexander suisque haeredibus et assignatis condendi extruendi et erigendi in et infra omnes bondas dictae regionis sicuti iis videbitur expediens civitates liberos burgos baroniae villas villulas sinus portus stationes navium et designandi nundinas et macella tam in villis quam extra et imponendi levandi et recipiendi omnes et quascunque tolonias custumas anchoragia aliasque devorias earundem civitatum burgorum baroniae villarum villularum nundinarum macellorum liberorum portuum sinuum navium stationum cum omnibus et singulis casualitatibus proficuis et devoriis quibuscunque Et easdem civitates et burgos adornandi tam infra burgos quam extra cum sufficientibus et habilibus magistratibus pacis justiciariis praepositis balivis senioribus constabulariis aliisque officiariis civibus burgensibus liberis et manufactoribus artificibus omnium generum cum decanis ipsorum aliisque ad hoc requisitis cum plenaria potestate privilegio et libertate iis eorumve liberis civibus et burgensibus vendendi vinum et ceram salmones haleces aliaque stapuli bona et mercimonia tam magna quam minuta Et extruendi ecclesias capellas xenodochia *lie hospitallis and maisoun dieues* cruces forales campanilia campanas aliaque omnia ornamenta ordinaria eisdem spectantia et plantandi et sufficienter providendi easdem ecclesias cum sufficientibus doctoribus praedicatoribus pastoribus et ministris Et similiter erigendi fundandi et extruendi scholas triviales collegia et universitates sufficienter provisas cum habilibus et sufficientibus magistris rectoribus regentibus professoribus omnium scientiarum literarum linguarum et sermonum et providendi pro sufficiente alimento stipendiis et victu pro eisdem ad hunc effectum ac etiam erigendi praelatos

mill lands, fishings, as well of red as of other fishes, salmon, large fish as small, in salt water as in fresh, together with all and sundry teind sheaves thereof included, as well great as small, with the presentation, gift of benefices, churches, and chapels, and rights of patronage thereof, annexes, connexes, dependencies, tenants, tenandries, and services of free tenants of the same; together with all and sundry precious stones, jewels, crystal, alum, coral, and others, with all and sundry minerals, veins, and quarries thereof, as well of regal and royal metals and minerals of gold and silver within the said bounds and lordship of Nova Scotia, as of other minerals of iron, steel, tin, copper, brass, mountain brass, and other minerals whatsoever, with all and sundry parts, pendicles, pertinents, privileges, liberties, and immunities of all and sundry the foresaid lands, lordship, and country of Nova Scotia, with full power and privilege to the said Sir William Alexander, his heirs and assignees, of trying and searching, digging and examining the ground for the same, and extracting, cleansing, refining, and purifying them, and using, converting, and applying them to their own proper uses, (the tenth part of the royal metals, commonly called the ore of gold and silver, hereafter to be found and extracted out of the said lands and country, only, being reserved to us and our successors), and the remainder of the said metals, minerals, precious stones, jewels, and others whatsoever, to belong to the said Sir William Alexander, and his heirs and assignees, to remain for ever with them, and be, with all profits and duties thereof, converted to their own proper uses; with power to the said Sir William Alexander, and his heirs and assignees, of building, constructing, and erecting upon and within all the bounds of the said country, as shall seem to them expedient, cities, free boroughs of barony, towns, villages, harbours, ports, naval stations; and of appointing fairs and markets, as well within the towns as without, and imposing, levying, and receiving all and whatsoever tolls, customs, anchorages, and other dues of the said cities, boroughs of barony, towns, villages, fairs, markets, free ports, harbours, naval stations, with all and sundry casualties, profits and duties whatsoever; And furnishing the said cities and boroughs, as well within borough as without, with sufficient and able magistrates, justices of the peace, provosts, bailies, aldermen, constables, and other officers, citizens, free burgesses, and manufacturers, crafts of all kinds, with their deacons, and others, thereto requisite, with full power, privilege, and liberty to them, or their children, citizens, and burgesses, to sell wine and wax, salmon, herrings, and other staple goods and merchandizes, as well great as small, and constructing churches, chapels, hospitals, maison dieus, market crosses, belfries, bells, and all other ordinary ornaments thereto belonging, and planting the said churches, and sufficiently providing them with sufficient teachers, preachers, pastors, and ministers: And in like manner of erecting, founding, and constructing common schools, colleges, and universities, sufficiently provided with able and sufficient masters, rectors, regents, professors of all sciences, letters, languages, and instruction; and of providing for sufficient maintenance, salaries and living for them to this effect: As also of erecting prelates, archbishops,

archiepiscopos episcopos rectores et vicarios parochiarum et ecclesiarum parochialium et distribuendi et dividendi omnes praedict bondas dict regionis in diversis et distinctis vicecomitatibus provinciis et parochiis pro meliori provisione ecclesiarum et ministerii divisione vicecomitatuum et omni alia civili politia Et similiter fundandi erigendi et instituendi senatum justiciae loca et justiciae collegia consilii et sessionis senatores earundem membra pro justiciae administratione infra dictam regionem aliaque justiciae et judicaturae loca Praeterea erigendi et designandi tam secreta et privata consilia et sessiones pro publico bono et commodo dictae regionis et dand et concedend titulos honores et dignitates membris earundem et creand clericos et earundem membra et designand sigilla et registra cum ipsorum custodibus Et etiam erigendi et instituendi officiarios status cancellarium thesaurarium computorum rotulatorem collectorem secretarium advocatum vel actornatum generalem clericum vel clericos registri et rotulorum custodes justiciariae clericum directorem vel directores cancellariae conservatorem vel conservatores privilegiorum dictae regionis advocatos procuratores causarumque patronos earundemque solicitatores et agentes aliaque membra necessaria Et similiter convocandi congregandi et constituendi conventiones et congregationes ecclesiasticorum praelatorum tam generales speciales vel provinciales conventiones quam alias pro politia et disciplina ecclesiastica et authorizandi ratificandi et confirmandi easdem conventiones consilia et congregationes cum actis statutis et decretis inibi conclusis pro eorundem meliori authoritate Praeterea fecimus constituimus et ordinavimus tenoreque praesentis cartae nostrae facimus constituimus et ordinamus dictum Dominum Willielmum Alexander suosque haeredes et assignatos nostros nostrorumve haeredum et successorum LOCUM TENENTES generales ad repraesentandum nostram regalem personam tam per mare quam terram totius et integrae dictae regionis et dominii Novae Scotiae tam durante spatio quo ibi remanebit quam in itinere ipsius vel eorum ad dictam regionem vel ab eadem et post ipsorum reditum continuo sine intervallo temporis aut loci excludendo omnes alios vel per mare vel per terram ab usurpatione hujus contrarii vel ab acclamatione alicujus juris beneficii authoritatis et interesse infra dictas bondas et dominium Novae Scotiae vel alicujus judicaturae aut jurisdictionis eatenus virtute alicujus praecedentis aut subsequentis juris aut tituli cujuscunque Et cum speciali potestate dicto Domino Willielmo Alexander suisque praedictis gubernandi regendi puniendi et condonandi omnes nostros subditos aliosque dict bondarum et regionis Novae Scotiae inhabitantes aut ibi proficiscentes pacis aut legum transgressores ac faciendi sanciendi et stabiliendi ibidem leges tam civiles quam criminales cum legibus justiciariae admiralitatis senescallatus regalitatis et vicecomitatus pro eorum bene placito modo eaedem leges tam conformes sint legibus Scotiae quam convenienter fieri potest respectu habito circumstantiarum loci regionis personarum et qualitatum earundem Et similiter designandi gubernatores imperatores et ductores omnium et singularum praedictarum civitatum burgorum portuum navium stationum et sinuum et capitaneos etiam castrorum fortaliciorum et propugnaculorum tam per mare et prope littus quam per terram bene et sufficienter muniti instructi et fortificati militum turmis et copiis pro manutentione defensione et praeservatione

bishops, rectors and vicars of parishes, and parish churches, and distributing and dividing all the foresaid bounds of the said country into divers and distinct shires, provinces, and parishes, for the better provision of the churches and ministry, division of the shires, and all other civil police: And likewise of founding, erecting, and instituting a senate of justice, places, and colleges of justice, senators of council and session, members thereof, for the administration of justice within the said country, and other places of justice and judicature: Further, of erecting and appointing secret and privy councils and sessions for the public good and advantage of the said country, and giving and granting titles, honours, and dignities to the members thereof, and creating their clerks and members, and appointing seals and registers with their keepers: And, also, of erecting and instituting officers of state, a chancellor, treasurer, comptroller, collector, secretary, advocate or attorney general, clerk or clerks, register and keepers of the rolls, justice clerk, director or directors of chancery, conservator or conservators of privileges of the said country, advocates, procurators, and pleaders of causes, and solicitors, and agents thereof, and other members necessary: And, likewise, of gathering, collecting, and appointing meetings and assemblies of ecclesiastical persons and prelates, as well general, special, or provincial meetings as others, for ecclesiastical police and discipline, and authorising, ratifying, and confirming the said meetings, councils, and assemblies, with acts, statutes, and decrees thereon concluded, for the better authority of the same: Further, we have made, constituted, and appointed, and, by our present charter, make, constitute, and appoint the said Sir William Alexander, and his heirs and assignees, our and our heirs and successors Lieutenants General, to represent our royal person, as well by sea as by land, of all and whole the said country and lordship of Nova Scotia, as well during the space in which he shall remain there, as on his or their voyage to the said country, or from it, and for ever, after their return, without interval of time or place, excluding all others from the usurpation thereof, or from a claim to any right, benefit, authority, and interest within the said bounds and lordship of Nova Scotia, or to any judicature or jurisdiction heretofore in virtue of any foregoing or subsequent right or title whatsoever: And, with special power to the said Sir William Alexander, and his foresaids, of governing, ruling, punishing, and pardoning all our subjects, and other inhabitants of the said bounds and country of Nova Scotia, or persons going thither, violators of the peace, or of the laws, and of making, sanctioning, and establishing laws there, as well civil as criminal, with laws of justiciary, admiralty, stewardship, regality, and sheriffship, at their good pleasure, provided the said laws be as conformable as possible to the laws of Scotland, respect being had to circumstances, place, country, persons, and their qualities: And, likewise, of appointing rulers, commanders, and heads of all and sundry the foresaid cities, boroughs, ports, naval stations, and harbours, and also captains of castles, fortalices, and fortresses, as well by sea and near the shore as by land, well and sufficiently provided, appointed, and fortified with troops of soldiers and forces, for the maintenance, defence, and preservation thereof, and the repelling of all domestic as

earundem et repulsione omnium tam domesticarum quam extranearum invasionum earund et convocandi congregandi et convenire faciendi omnes inhabitantes dictae regionis ad effectum praescriptum omnibus occasionibus necessariis ac pro repulsione et resistantia omnium aliarum virium et violentiarum quarumcunque Et pro meliori fortificatione dict dominii et regionis Novae Scotiae cum potestate dicto Domino Willielmo Alexander suisque praedict transportandi de dicto regno aliisve bondis convenientibus omnia genera munitionis magna et minuta tormenta majora media vulgo *cannonis demi-cannonis zetlingis* falconis aeris et ferri sclopetos atque alia instrumenta et belli machinas cum sclopetis minoribus vulgo *muskettis hagbuittis half-haggis* bombardis vulgo *pistolettis* pulvere globulis aliisque necessariis victualibus et armis tam offensivis quam defensivis et gerendi et utendi talibus armis tam infra dictam regionem Novae Scotiae quam in eorum transitu et cursu vel ad easdem terras vel ab eisd cum eorum comitibus sociis et dependentibus Nos etiam cum avisamento praedicto fecimus constituimus et ordinavimus tenoreque praesentis cartae nostrae facimus constituimus et ordinamus dictum Dominum Willielmum Alexander suosque haeredes et assignatos haereditarie nostros Justiciarios Generales in omnibus causis criminalibus infra dictam regionem et dominium Novae Scotiae Magnum Admirallum et Dominum Regalitatis et Admiralitatis infra dictam regionem Haereditarios etiam Senescallos ejusd omniumque et singularum regalitatum hujusmodi cum potestate sibi suisque haeredibus et assignatis utendi exercendi et gaudendi omnibus et singulis praefatis jurisdictionibus judicaturis et officiis cum omnibus et singulis privilegiis praerogativis immunitatibus et casualitatibus earund similiter et adeo libere quam aliquis alius justiciarius vel justiciarii generales senescalli admiralli vicecomites aut domini regalitatis habuerunt vel habere possunt aut possidere et gaudere iisdem jurisdictionibus judicaturis officiis dignitatibus et praerogativis in aliquibus nostris regnis bondis et dominiis nostris quibuscunque Cum potestate dicto Domino Willielmo Alexander suisque haeredibus et assignatis constituendi erigendi nominandi et creandi clericos officiarios serjandos adjudicatores omniaque alia curiae membra omnium et singularum praefatarum judicaturarum et jurisdictionum respective cum omnibus feodis devoriis et casualitatibus eisd spectan prout iis videbitur expediens sine praejudicio omnimodo omnium aliorum infeofamentorum jurium vel dispositionum per nos nostrosve praedecessores cuicunque personae vel quibuscunque personis qui participes sunt vel erunt dictae plantationis Novae Scotiae proceden supra resignationem dicti Domini Willielmi Alexander solummodo et non aliter de quibuscunque partibus aut portionibus dictae regionis et dominii Novae Scotiae cum privilegiis et immunitatibus in ipsorum infeofamentis mentionat Et quum ratione longi intervalli et distantiae dictae regionis et dominii Novae Scotiae a dicto antiquo regno nostro Scotiae et quod eadem regio neque facile neque commode nisi aestatis tempore peti potest quodque eadem regio publicis tabellionibus et notariis requisitis pro sasinis sumendis omnino est destituta adeo ut sasina commode super fundum dictae regionis omnibus temporibus capi non potest atque etiam respectu habito magnorum et multifariorum incommodorum quae cadere possunt in defectu tempestivae sasinae sumendae super hoc praesens diploma et super alias cartas et similia infeofamenta concess et concedend de praedictis terris et dominio Novae Scotiae vel aliqua earundem parte

well as foreign invasions of the same; and of gathering, assembling, and making all the inhabitants of the said country meet together, for the purpose before written, on all necessary occasions, and for the repelling and resisting of all other force and violences whatsoever: And with power to the said Sir William Alexander, and his foresaids, for the better fortifying of the said lordship and country of Nova Scotia, of transporting from the said kingdom, and other bounds convenient, all sorts of munitions, great and small, greater ordnance, cannons, demi-cannons of cast iron, swords, guns of brass and iron, and other instruments and engines of war, with small guns, commonly called muskets, hagbuts, half haggs, pistols, powder, balls, and other necessary provision and arms, as well offensive as defensive, and wearing and using such arms, as well within the said country of Nova Scotia, as in their passage and progress to the said lands, or from them, with their companions, associates, and dependents: Also we, with advice foresaid, have made, constituted and appointed the said Sir William Alexander, and his heirs and assignees, heritably, our Justices General, in all criminal causes, within the said country and lordship of Nova Scotia, High Admiral, and Lord of Regality and Admiralty, within the said country, hereditary High Stewards, also, thereof, and of all, and sundry such regalities, with power to him, and his heirs and assignees, of using, exercising, and enjoying all and sundry the foresaid jurisdictions, judicatures, and offices, with all and sundry privileges, prerogatives, immunities, and casualties thereof, in like manner, and as freely as any other Justice or Justices General, High Stewards, Admirals, Sheriffs, or Lords of Regalities, had, or can have, or possess, and enjoy the said jurisdictions, judicatures, offices, dignities, and prerogatives, in any of our kingdoms, bounds, and dominions whatsoever; with power to the said Sir William Alexander, and his heirs and assignees, of constituting, erecting, nominating, and creating clerks, officers, macers, apprisers, and all other members of court of all and sundry the foresaid judicatures and jurisdictions respectively, with all fees, dues, and emoluments, thereto belonging, as shall seem to them expedient; without prejudice always to all other infeftments, rights, or dispositions, by us, or our predecessors, to whatsoever person or persons, who are or shall be portioners of the said plantation of Nova Scotia, proceeding upon the resignation of the said Sir William Alexander only, and not otherwise, of whatsoever parts or portions of the said country and lordship of Nova Scotia, with the privileges and immunities mentioned in their infeftments: And seeing by reason of the great remoteness and distance of the said country and lordship of Nova Scotia, from our said ancient kingdom of Scotland, both that the said country can neither easily nor conveniently be reached except in the summer time; and that the said country is altogether destitute of public scriveners and notaries, requisite for taking seisins, so that seisin, at all times, cannot conveniently be taken on the ground of the said country; and also, respect being had to the great and manifold disadvantages which may result, by default, of timely seisin being taken upon this present Patent, and upon other charters, and similar infeftments granted, and to be granted, of the foresaid lands and lordship of Nova Scotia, or any part thereof: Therefore, that this, our present

igitur ut praesens haec nostra carta magis sit efficax et ut sasina desuper magis commode capi possit necessarium est ut sasina sumatur omnium et singularum praedictarum terrarum dict regionis et dominii Novae Scotiae infra dictum regnum nostrum Scotiae et super funda et terras ejusd in magis eminente ejusd loco quod nec convenienter nec legitime fieri potest sine expressa unione dictae regionis et dominii Novae Scotiae dicto regno Scotiae quocirca et pro faciliori commodo et convenientia antedictae sasinae nos cum avisamento praedicto annexavimus univimus et incorporavimus tenoreque praesentis cartae nostrae unimus annexamus et incorporamus dicto regno nostro Scotiae totam et integram praedictam regionem et dominium Novae Scotiae cum decimis et decimis garbalibus earund inclusis et omnibus et singulis partibus pertinentiis privilegiis jurisdictionibus et libertatibus earundem aliisque generaliter et specialiter supra mentionat Et per praesentis cartae nostrae tenorem volumus declaramus decernimus et ordinamus quod unica sasina nunc capienda apud castellum nostrum de Edinburt tanquam maxime eminentem et principalem locum dicti regni nostri Scotiae de omnibus et singulis dictis terris regione et dominii Novae Scotiae vel aliqua earund parte cum decimis et decimis garbalibus earund respective inclusis est et erit sufficiens sasina pro totis et integris praedict terris regione et dominio Novae Scotiae cum decimis et decimis garbalibus earund inclusis vel aliqua earund parte terrarum et regionis prescript et omnibus privilegiis jurisdictionibus et libertatibus ejusd respective aliisque specialiter et generaliter supramentionat non obstante quod eaedem terrae regio et dominium Novae Scotiae longe distet et discontigue jaceat a dicto regno nostro Scotiae penes quod nos cum avisamento et consensu praedicto dispensavimus tenoreque praesentis cartae nostrae dispensamus imperpetuum sine praejudicio et derogatione omnimodo dict privilegii et praerogativi praefato Domino Willielmo Alexander suisque haeredibus et assignatis concess pro confectione et stabilimento legum actorum et constitutionum omnium et singularum praedict terrarum regionis et dominii Novae Scotiae tam per mare quam per terram Et per praesentis cartae nostrae tenorem declaramus quod non obstante dicta unione (quae concedi solummodo declaratur pro commoditate et convenientia sasinae) eadem regio et dominium Novae Scotiae judicabitur regetur et gubernabitur per leges et constitutiones fact fiend constituend et stabiliend per dictum Dominum Willielmum Alexander suosque haeredes et assignatos spectan ad dictam regionem et dominium Novae Scotiae similiter et adeo libere in eo respectu sicuti eadem unio nunquam fuisset facta nec eatenus concessa Et praeterea non obstante praedicta unione licitum erit praedicto Domino Willielmo Alexander suisque haeredibus et assignatis dare concedere et disponere aliquas partes vel portiones dict terrarum regionis et dominii Novae Scotiae iis haereditarie spectan ad et in favorem quarumcunque personarum eorum haeredum et assignatorum haereditarie cum decimis et decimis garbalibus earund inclusis (modo nostri sint subditi) tenend de dicto Domino Willielmo Alexander vel de nobis et nostris successoribus vel in alba firma feudifirma vel warda et relevio pro eorum beneplacito et intitulare et denominare easdem partes et portiones quibuscunque stilis titulis et designationibus iis visum fuerit aut in libito et optione dicti Domini Willielmi suorumque praedictorum quaequidem infeofamenta et dispositiones per nos nostrosve successores libere sine aliqua compositione propterea solvend approbabuntur et confirmabuntur Insuper nos nostrique successores quascunque resignationes per dictum Dominum Willielmum Alexander suosque

charter, may be more effectual, and that seisin thereupon may be more conveniently taken, it is necessary, that seisin of all and sundry the foresaid lands of the said country and lordship of Nova Scotia, be taken within our said kingdom of Scotland, and on the grounds and lands of the same, in the most eminent place thereof, which can neither conveniently nor lawfully be done without an express union of the said country and lordship of Nova Scotia to the said kingdom of Scotland: Wherefore, and for the advantage and readier convenience of the aforesaid seisin, we, with advice foresaid, have annexed, united, and incorporated, and, by our present charter, unite, annex, and incorporate with our said kingdom of Scotland all and sundry the foresaid country and lordship of Nova Scotia, with the teinds and teind sheaves thereof included, and all and sundry parts, pertinents, privileges, jurisdictions, and liberties of the same, and others generally and specially above mentioned; and, by our present charter, will, declare, decern, and ordain, that one seisin, now to be taken at our Castle of Edinburgh, as the most eminent and principal place of our said kingdom of Scotland, of all and sundry the said lands, country, and lordship of Nova Scotia, or any part of the same, with the teinds and teind sheaves thereof included, respectively, is, and shall be sufficient seisin for all and whole the foresaid lands, country and lordship of Nova Scotia, with the teinds and teind sheaves thereof included, or any part of the said lands and country aforesaid, and all the privileges, jurisdictions and liberties thereof respectively, and others specially and generally above mentioned, notwithstanding the said lands, country and lordship of Nova Scotia are far distant, and lie discontiguous from our said kingdom of Scotland; as to which, we, with advice and consent foresaid, have dispensed, and by our present charter for ever dispense; without prejudice and derogation always to the said privilege and prerogative granted to the foresaid Sir William Alexander, and his heirs and assignees, of making and establishing laws, acts and statutes, concerning all and sundry the foresaid lands, country and lordship of Nova Scotia, as well by sea as by land: And by our present charter, we declare, that notwithstanding the said union, (which is declared to be granted solely for the advantage and convenience of seisin,) the said country and lordship of Nova Scotia shall be judged, ruled and governed by the laws and statutes made, and to be made, constituted, and established by the said Sir William Alexander, and his heirs and assignees, relating to the said country and lordship of Nova Scotia, in like manner, and as freely, in that respect, as if the said union had never been made, or hitherto granted: And further, notwithstanding the foresaid union, it shall be lawful to the foresaid Sir William Alexander, and his heirs and assignees, to give, grant and dispone any parts or portions of the said lands, country and lordship of Nova Scotia, heritably belonging to them, to and in favour of whatsoever persons, their heirs and assignees heritably, with the teinds and teind sheaves thereof included, (provided they are our subjects,) to be holden of the said Sir William Alexander, or of us, and our successors, either in blench farm, feu farm, or in ward and relief, at their pleasure; and to entitle and denominate the said parts and portions, by whatsoever styles, titles, and designations shall seem to them fit, or be in the will and option of the said Sir William, and his foresaids, which infeftments and dispositions shall be approved and confirmed by us or our successors freely, without any composition to be paid therefor: Moreover, we, and our successors, shall receive whatsoever resignations shall be made by the said Sir William Alexander, and his heirs and assignees, of

haeredes et assignatos fiendas de totis et integris praefatis terris et dominio Novae Scotiae vel alicujus earund partis in manibus nostris nostrorumque successorum et commissionariorum praedict cum decimis et decimis garbalibus earund inclusis aliisque generaliter et specialiter supra mentionat recipiemus ad et in favorem cujuscunque personae aut quarumcunque personarum (modo nostri sint subditi et sub nostra obedientia vivant) et desuper infeofamenta expedient tenend in libera alba firma de nobis haeredibus et successoribus nostris modo supra mentionat libere sine ulla compositione Quaequidem terrae regio et dominium Novae Scotiae cum decimis garbalibus earund inclusis omnesque et singulae partes pendicula et pertinentiae privilegia jurisdictiones praerogativae et libertates earund aliaque specialiter et generaliter supra mentionat una cum omni jure titulo interesse jurisclameo tam petitorio quam possessorio quae nos nostrive praedecessores aut successores habuimus habemus vel quovismodo habere clamare aut praetendere potuimus ad easdem vel aliquam earund partem aut ad census firmas proficua et devorias earundem de quibuscunque annis aut terminis praeteritis pro quacunque causa vel occasione nos cum avisamento praedict pro rationibus supra mentionatis DE NOVO damus concedimus et disposuimus praedicto Domino Willielmo Alexander suisque haeredibus et assignatis haereditarie imperpetuum renunciando et exonerando iisdem simpliciter cum omni actione et instantia eatenus competenti ad et in favorem dicti Domini Willielmi Alexander suorumque haeredum et assignatorum tam pro non solutione devoriarum in ipsorum originalibus infeofamentis content quam pro non praestatione debiti homagii eisdem conformiter aut pro non perimpletione alicujus puncti dicti originalis infeofamenti aut pro commissione alicujus culpae aut facti omissionis vel commissionis iisdem praejudicabili et unde idem originale infeofamentum legitime impugnari aut in questionem duci in posterum quovismodo possit acquietando et remittendo iisdem simpliciter cum omni titulo actione instantia et interesse eatenus competenti aut quae nobis nostrisque haeredibus et successoribus competere potest renunciando iisdem simpliciter jure lite et causa cum pacto de non petendo ac cum supplemento omnium defectuum tam non nominat quam nominat quae nos tanquam pro expressis in hac praesenti carta nostra haberi volumus tenend in libera alba firma ut dictum est et dispensando cum non-introitu quandocunque contigerit modo praedicto Insuper nos pro nobis et successoribus nostris cum avisamento praedicto damus concedimus et committimus potestatem dicto Domino Willielmo Alexander suisque haeredibus et assignatis habendi et legitime stabiliendi et cudere causandi monetam currentem in dict regione et dominio Novae Scotiae et inter inhabitantes ejusd pro faciliori commercii et pactionum commodo talis metalli formae et modi sicuti ipsi designabunt aut constituent et ad hunc effectum damus concedimus et committimus iis eorumve haeredibus et assignatis dictae regionis Locum tenentibus privilegia monetam cudendi cum instrumentis ferreis et officiariis ad hunc effectum necessariis Praeterea nos pro nobis et successoribus nostris cum avisamento praedicto dedimus concessimus ratificavimus et confirmavimus ac per praesentis cartae nostrae tenorem damus concedimus ratificamus et confirmamus dicto Domino Willielmo Alexander suisque haeredibus et assignatis omnia loca privilegia praerogativas praeeminentias et praecedentias quascunque dat concess et reservat vel dand concedend et reservand dicto Domino Willielmo Alexander suisque haeredibus et assignatis ejusque successoribus Locum tenentibus dictae regionis et dominii Novae Scotiae per Equites auratos Baronettos reliquosque portionarios et consortes dictae plantationis adeo ut dictus Dominus Willielmus Alexander suique haeredes mas-

all and whole the foresaid lands and lordship of Nova Scotia, or of any part thereof in our hand, and (those) of our successors and Commissioners foresaid, with the teinds and teind sheaves thereof included, and others generally and specially above mentioned, to and in favour of whatsoever person or persons, (provided they are our subjects, and live under our obedience); And they shall pass infeftments thereon, to be holden in free blench farm, of us, our heirs and successors, in manner above mentioned, freely, without any competition; which lands, country, and lordship of Nova Scotia, with the teind sheaves thereof included, and all and sundry parts, pendicles and pertinents, privileges, jurisdictions, prerogatives and liberties of the same, and others, specially and generally above mentioned, together with all right, title, interest, claim of right, petitory, as well as possessory, which we, or our predecessors or successors, had, have, or any way could have, claim, or pretend thereto, or to any part of the same, or to the maills, farms, profits and duties thereof, of whatsoever years, or terms bygone, for whatsoever cause or occasion, we, with advice foresaid, for the reasons above mentioned, of new, give, grant and dispone to the foresaid Sir William Alexander, and his heirs and assignees, heritably for ever; renouncing and exonerating the same simpliciter, with all action and instance heretofore, competent to, and in favour of the said Sir William Alexander and his heirs and assignees, as well for non-payment of the duties contained in their original infeftments, as for non-performance of due homage, conform thereto, or for non-fulfilment of any point of the said original infeftment, or for commission of any fault or deed of omission or commission prejudicial thereto, and whereby the said original infeftment may, in any way, be lawfully impugned or called in question, for ever acquitting and remitting the same simpliciter, with all title, action, instance and interest, heretofore competent, or that may be competent to us, and our heirs and successors, renouncing the same simpliciter jure lite et causa cum pacto de non petendo, and with supplement of all defects, as well not named as named, which we will to be held, as expressed in this our present charter. To be holden in free blench farm, as said is, and dispensing with nonentry, whensoever it shall happen, in manner foresaid: Moreover, we, for us and our successors, with advice foresaid, give, grant and commit power to the said Sir William Alexander, and his heirs and assignees, of having and lawfully establishing and causing to be coined current money, in the said country and lordship of Nova Scotia, and for the readier convenience of commerce and bargains amongst the inhabitants thereof, of such metal, form and fashion as they shall design or appoint; and for this effect, we give, grant and commit to them, or their heirs and assignees, Lieutenants of the said country, the privileges of coining money with iron instruments, and with officers necessary for that purpose: Further, we, for us and our successors, with advice foresaid, have given, granted, ratified, and confirmed; and by our present charter, give, grant, ratify, and confirm to the said Sir William Alexander, and his heirs and assignees, all places, privileges, prerogatives, pre-eminences, and precedencies whatsoever, given, granted, and reserved, or to be given, granted, and reserved to the said Sir William Alexander, and his heirs and assignees, and his successors, Lieutenants of the said country and lordship of Nova Scotia, over the Knights, Baronets, and remanent portioners, and associates of the said plantation, so as the said Sir William Alexander, and his heirs-male descending of his body,

culi de corpore suo descenden tanquam Locum tenentes praedict sument et sumere possunt locum praerogativum praeeminentiam et praecedentiam tam ante omnes armigeros barones minores et generosos vulgo *squyris lairdis and gentilmen* dicti regni nostri Scotiae quam ante omnes praedictos Equites auratos Baronettos ejusd regni nostri omnesque alios ante quos dicti Equites aurati Baronetti locum et praecedentiam virtute privilegii dignitatis iis concess habere possunt pro cujus plantationis et coloniae Novae Scotiae adjumento et jus praecipue respectu dicti Equites aurati Baronetti cum ipsorum statu et dignitate cum avisamento praedicto in dicto regno nostro Scotiae creati fuerant tanquam indicium speciale nostri favoris super tales generosos et honestos loco natos collat praedictae plantationis et coloniae participes Cum hac expressa provisione omnimodo quod numerus praefatorum Baronettorum nunquam excedat centum et quinquaginta Denique nos cum avisamento praedicto pro nobis haeredibus et successoribus nostris volumus decernimus et ordinamus quod hoc nostrum diploma et infeofamentum ratificari approbari et confirmari cum omnibus ejusd contentis in proximo nostro Parliamento regni nostri Scotiae et ut habeat vim robur et efficaciam acti statuti et decreti ejusd supremae judicaturae penes quod nos pro nobis nostrisque successoribus declaramus et ordinamus praesentem hanc nostram cartam dominis articulorum dicti nostri Parliamenti pro ratificatione et confirmatione ejusd modo praescripto sufficiens fore warrantum Insuper dilectis nostris

et vestrum cuilibet conjunctim et divisim Vicecomitibus nostris in hac parte specialiter constitutis salutem Vobis praecipimus et mandamus quatenus praefato Domino Willielmo Alexander vel suo certo actornato latori praesentium statum et sasinam haereditariam pariter et possessionem corporalem actualem et realem totarum et integrarum praedictarum terrarum regionis et dominii Novae Scotiae cum omnibus et singulis partibus pendiculis privilegiis commoditatibus immunitatibus aliisque tam generaliter quam particulariter superius expressatis apud dictum castrum nostrum de Edinburt tradatis et deliberetis sine dilatione et hoc nullo modo omittatis ad quod faciendum vobis et vestrum cuilibet conjunctim et divisim vicecomitibus nostris in hac parte antedict nostram plenariam et irrevocabilem tenore praesentis cartae nostrae committimus potestatem quamquidem sasinam nos cum avisamento praedicto pro nobis nostrisque successoribus tenore praesentis cartae nostrae volumus declaramus et ordinamus tam fore legitimam et sufficientem quam si praecepta sasinae separatim et ordinarie e nostra cancellaria ad eum effectum super dicta nostra carta fuissent directa penes quam nos cum avisamento praedicto pro nobis haeredibus et successoribus nostris dispensavimus ac per praesentis cartae nostrae tenorem dispensamus imperpetuum In cujus rei testimonium huic praesenti cartae nostrae magnum sigillum nostrum apponi praecepimus testibus predilectis nostris consanguineis et consiliariis Jacobo marchione de Hamiltoun comite Arranie et Cambrig domino Aven et Innerdaill &c. Willielmo Mariscalli comite domino Keith &c. regni nostri mariscallo predilecto nostro consiliario Domino Georgio Hay de Kinfanes milite nostro cancellario predilecto nostro consanguineo et consiliario Thoma comite de Melros domino Bynning et Byres nostro secretario dilectis nostris consiliariis familiaribus Dominis Ricardo Cokburne de Clerkingtoun nostri secreti sigilli custode Joanne Hamiltoun de Magdalens nostrorum rotulorum registri ac consilij clerico Georgio Elphingstoun de Blythwode nostre justiciarie clerico et Joanne Scot de Scotistarvet nostre cancellarie directore militibus Apud aulam nostram de Otlandis duodecimo die mensis Julij anno Domini millesimo sexcentesimo vigesimo quinto et regni nostri primo.

as Lieutenants foresaid, shall and may take place, prerogative, pre-eminence, and precedency, as well before all esquires, lairds, and gentlemen, of our said kingdom of Scotland, as before all the foresaid Knights, Baronets, of our said kingdom, and all others, before whom the said Knights, Baronets, in virtue of the privilege of dignity to them, can have place and precedency, for the advancement of which plantation and colony of Nova Scotia, and in respect of it especially, the said Knights, Baronets, were, with advice foresaid, created in our said kingdom of Scotland, with their state and dignity, as a special token of our favour conferred upon such gentlemen, and honourably born persons, portioners of the foresaid plantation and colony; with this express provision always, that the number of the foresaid Baronets never exceed one hundred and fifty. Finally, we, with advice foresaid, for us, our heirs and successors, will, decern, and ordain that this our Patent and infeftment, with all its contents, be ratified, approved, and confirmed in our next Parliament of our kingdom of Scotland; and that it may have the force, strength, and effect of an act, statute, and decree of that supreme judicatory, as to which, we, for us and our successors, declare and ordain this our present charter, to be a sufficient warrant to the Lords of the Articles of our said Parliament, for the ratification and confirmation thereof, in manner before written: Moreover to our lovites, and each of you, conjunctly and severally, our Sheriffs in that part, especially constituted, greeting; We charge and command you, that ye give and deliver to the foresaid Sir William Alexander, or his certain Attorney, bearer of these presents, heritable state and seisin, as well as corporal, actual, and real possession of all and whole the foresaid lands, country and lordship of Nova Scotia, with all and sundry parts, pendicles, privileges, commodities, immunities and others, generally as well as particularly above expressed, at our said castle of Edinburgh, without delay; and this in no wise ye leave undone: Which to do we commit to you, and each of you, conjunctly and severally, our Sheriffs in that part foresaid, our full and irrevocable power by our present charter; which seisin, we, with advice foresaid, for us and our successors, by our present charter, will, declare, and ordain to be as lawful and sufficient, as if precepts of seisin, separately and ordinarily, to that effect had been directed out of our Chancery, upon our said charter, as to which we, with advice foresaid, for us, our heirs and successors, have dispensed, and, by our present charter, for ever dispense. In witness whereof, we have ordered our Great Seal to be appended to this our present charter, the witnesses being our well-beloved cousins and councillors, James, Marquess of Hamiltoun, Earl of Arran and Cambridge, Lord Aven and Innerdaill, &c.; William, Earl Marishall, Lord Keith, &c. Marishall of our kingdom; our beloved councillor, Sir George Hay of Kinfanes, Knight, our Chancellor; our well-beloved cousin and councillor, Thomas, Earl of Melros, Lord Bynning and Byres, our Secretary; our beloved familiar councillors, Sir Richard Cokburne of Clerkintoun, Keeper of our Privy Seal; Sir John Hamiltoun of Magdalens, Clerk of our Rolls, Register and Council; Sir George Elphingstoun of Blythwode, our Justice-Clerk; and Sir John Scott of Scotistarvet, Director of our Chancery, Knights, at our Palace of Otlands, the 12th day of July, anno Domini 1625, and the first of our reign.

No. III.

Act of Court of the Service of Alexander, Earl of Stirling, as Heir in special of William, Earl of Stirling.

Court of the service of the brieve issued forth of his Majesty's Chancery, at the instance of Alexander, Earl of Stirling and Dovan, Viscount of Stirling and Canada, Lord Alexander of Tullibodie, &c. for serving him nearest and lawful heir of the deceased Sir William Alexander of Menstrie, Miles, the first Earl of Stirling, his great-great-great grandfather, in all and sundry lands and others, in the fee of which the said William, Earl of Stirling, died last vest and seised, at the faith and peace of our Sovereign Lord the King then reigning, holden within the Parliament or new Session House of Edinburgh, in manner after specified.

At Edinburgh, the 2d day of July, in the year 1831, and within the Parliament or new Session House there, in the Court-room of the First Division of the Court of Session, in presence of George Tait, Esq. Sheriff-substitute of the sheriffdom of Edinburgh, as Sheriff of the sheriffdom of Edinburgh, specially constituted to the effect after mentioned, compeared Thomas Christopher Banks, Esq. residing at No. 19. Duke Street, Edinburgh, as procurator and mandatary for and in name of the said Alexander, Earl of Stirling, &c. according to mandate dated the 28th day of June last past, and thereby specially empowered to purchase a brieve forth of Chancery, and to obtain the said Alexander, Earl of Stirling, &c. served nearest and lawful heir of the said deceased William, Earl of Stirling, his great-great-great grandfather, in the lands and others after mentioned, and to procure such service retoured to Chancery, and produced his Majesty's commission, by deliverance of the Lords of Council and Session, passed under the quarter seal, otherwise called the testimonial of the seal appointed by the treaty of Union to be made use of within Scotland, in place of the great seal thereof, making, constituting, and appointing the Sheriff-depute of the said sheriffdom of Edinburgh, or his substitute, Sheriff of the said sheriffdom of Edinburgh, for serving the brieve to be issued forth of his Majesty's Chancery for cognoscing the said Alexander, Earl of Stirling, &c. nearest and lawful heir of the said deceased William, Earl of Stirling, his great-great-great grandfather, in all and sundry lands and others in which the said William, Earl of Stirling, died last vest and seised as of fee, at the faith and peace of our Sovereign Lord the King then reigning, and which commission contains a dispensation with the place and time of vacance, and is dated the 10th and sealed the 15th days of June last past: And the said Thomas Christopher Banks, Esq. procurator and mandatary foresaid, having desired the said Sheriff-substitute of the sheriffdom of Edinburgh to proceed to the execution of the office of Sheriff thereby committed to him,

the said Sheriff made choice of Ephraim Lockhart, writer to his Majesty's signet, and notary-public, to be clerk for the service of the said Alexander, Earl of Stirling, &c. as heir foresaid, and of Lindsay Rae, gownkeeper to the society of writers to the said signet, to be officer for the court of the said service; and who being both solemnly sworn, made oath *de fideli administratione;* and thereafter the said court was fenced in the name and authority of his Majesty, and by order, and in the name and authority of the said Sheriff-substitute of the sheriffdom of Edinburgh, as Judge appointed by the said commission; and the court being so fenced, compeared the several honourable and worthy persons after named, who had been all lawfully summoned before, to pass upon the inquest of the said brieve, as being most proper and least suspected, and who best knew the verity of the matter. They are to say, Patrick Robertson and James Welsh, Esqrs. advocates, David Johnston, Esq. doctor of medicine in Edinburgh, John Renton, James Balfour, James Macdonell, John Dickie, Henry Inglis *junior*, and James Souter, Esqrs. writers to his Majesty's signet, John Stirling, Esq. accountant in Edinburgh, John Adams, John Phillips and Thomas Ranken, solicitors of the Supreme Courts of Scotland, William Wallace Sibbald, Esq. residing in Edinburgh, and Joseph Low, writer there. Whereupon the said Thomas Christopher Banks, Esq. procurator and mandatary foresaid, produced a brieve issued forth of his Majesty's Chancery, dated the 10th day of June last past, directed to the Sheriff-depute of the sheriffdom of Edinburgh, or his substitute, Sheriff of the sheriffdom of Edinburgh, specially constituted as aforesaid, at the instance of the said Alexander, Earl of Stirling, &c. for cognoscing him nearest and lawful heir of the said deceased William, Earl of Stirling, his great-great-great grandfather, in all and sundry lands and others in which the said William, Earl of Stirling, died last vest and seised as of fee, at the faith and peace of our said Sovereign Lord, together with an execution of the said brieve under the hands of William Swanston, officer of the Sheriff of the sheriffdom of Edinburgh, and of James Calder and Donald Macleod, both residenters in Edinburgh, as witnesses, bearing the said William Swanston to have passed to the market-cross of the burgh of Edinburgh, head borough of the said sheriffdom of Edinburgh, upon the 15th day of June last past, being a market day within the said burgh of Edinburgh, and in open market time, and to have duly and openly proclaimed and executed the brieve in due form of law; and which brieve, with the execution thereof, being audibly and publicly read, the said Judge found that the said brieve was duly and lawfully executed: Thereafter the said Thomas Christopher Banks, Esq. procurator and mandatary foresaid, exhibited and produced a claim for the said Alexander, Earl of Stirling, &c. praying that he should be served and cognosced nearest and lawful heir of the said deceased William, Earl of Stirling, his great-great-great grandfather, in all and sundry the lands, continents and islands situate and lying in America, and others therein particularly described; and for verifying the several heads of the said claim, the above-named Thomas Christopher Banks, Esq. procurator and mandatary foresaid, produced the writs after mentioned, viz. Book the 51st of the Register of the Great Seal, containing the record of a charter of novodamus under the said

seal, of date the 12th day of July in the year 1625, made, given and granted by his Majesty, Charles the First, in favour of the said William, Earl of Stirling, (then and therein named Sir William Alexander,) of the lands, barony and lordship of Nova Scotia, in America: *Secundo*, Extract registered instrument of seisin, following upon the precept in the said charter, in favour of the said William, Earl of Stirling, of date the 29th day of September in the said year 1625, recorded in the General Register of Seisins, &c. kept at Edinburgh, the 1st day of October and year foresaid: And, *lastly*, General retour of the service, expede before the bailies of the burgh of Canongate, of the said Alexander, Earl of Stirling, as heir of the said deceased William, Earl of Stirling, his great-great-great grandfather, which retour is dated the 11th day of October 1830, and duly retoured to Chancery; and for instructing the old and new extent of the lands and others contained in the said claim, and in which the said William, Earl of Stirling, died last infeft, there was produced a charter under the great seal, of date the 10th day of September in the year 1621, made, given and granted by his Majesty, James the Sixth, in favour of the said William, Earl of Stirling, then Sir William Alexander, of the lordship and barony of Nova Scotia, in America, which charter was written to the said seal the 29th day of the said month of September and year foresaid, and sealed the same day. After production of which claim, and writs before mentioned, the said Sheriff-substitute of the sheriffdom of Edinburgh, as Judge foresaid, caused the said Lindsay Rae, officer of Court, call peremptorily and openly in judgment all parties having or pretending to have interest; which being accordingly done, and none compearing to object against the service of the said brieve, and lawful time of day being waited, the said procurator and mandatary protested *contra omnes non comparentes*, that they should be silent for ever after; and also desired that the said claim, and writs produced for verifying the said claim, might be referred and admitted to the knowledge of the Inquest before named; and the said Sheriff-substitute of the sheriffdom of Edinburgh, as Judge foresaid, finding the said desire to be just and reasonable, he admitted thereof, and remitted the said matter to the knowledge of the Inquest; and who being all solemnly sworn by the said Judge, they made faith *de fideli administratione*, and then elected the said Patrick Robertson, Esq. advocate, to be their chancellor; and thereupon the said claim was openly and publicly read, and compared with the foresaid writings, produced for vouching and verifying thereof: And thereafter the said Sheriff-substitute of the sheriffdom of Edinburgh, as Judge foresaid, caused the said Lindsay Rae, officer of Court, call again thrice peremptorily in judgment, at the most patent door of the said new Session House, all parties having, or pretending to have interest; which being accordingly done, and none compearing to object, the said procurator and mandatary again protested *contra omnes non comparentes*, that they should be ever thereafter silent; and then they, the said worthy persons of Inquest, all in one voice, and without variance, by the mouth of their said chancellor, found the foresaid claim sufficiently instructed and proven, and therefore served and cognosced the said Alexander, Earl of Stirling, &c. nearest and lawful heir in special of the said deceased William, Earl of Stirling, his great-great-great grandfather, in all and sundry the lands and others contained in the said claim, in which the said William, Earl of

Stirling, died last vest and seised, and that conform to the said claim, and the verdict of the said Inquest, subjoined thereto, and signed by their said chancellor in all points; and ordained the said service, under the hand of the Clerk of Court, with the said brieve, to be retoured to his Majesty's Chancery; and to which verdict and service the said Sheriff-substitute of the sheriffdom of Edinburgh, as Judge foresaid, adhibited his authority, and ordained the same to be retoured in manner foresaid: Whereupon, and upon all and sundry the premises, the said procurator and mandatary asked acts of Court, and asked and took instruments in the hands of the Clerk of Court aforesaid, and the Sheriff interponed his authority to the premises.

G. TAIT.
EPH. LOCKHART, *N. P.* and *C. D.*

Special retour of the service of Alexander, Earl of Stirling, &c. as heir of William, Earl of Stirling, 2d July 1831.

(Records, Register House, Edinburgh.)

No. IV.

Instrument of Seisin in favour of Alexander, Earl of Stirling and Dovan, of the Lordship and Barony of Nova Scotia.

In Dei nomine, Amen. Per hoc praesens publicum instrumentum cunctis pateat evidenter et sit notum Quod anno incarnationis Domini millesimo octingentesimo et trigesimo primo mensis vero Julii die octavo regnique serenissimi domini nostri Gulielmi Quarti Dei gratia Britanniarum regis fideique defensoris anno secundo, In mei notarii publici clerici vicecomitatus de Edinburgh et testium subscribentium praesentia personaliter comparuit Ephraim Lockhart scriba signeto regio actornatus pro ac in nomine praehonorabilis Alexandri Comitis de Stirling et Dovan adnepotis quond. Domini Gulielmi Alexander de Menstrie militis primi Comitis de Stirling cujus actornati potestas mihi notario publico subscribenti lucide constabat et cum Adamo Duff armigero advocato vicecomite deputato vicecomitatus de Edinburgh per praeceptum sasinae sub insert. specialiter constituto ad Castrum de Edinburgh ubi per dict. praeceptum sasina capienda est pro tota et integra regione aliisque subtus memorat. nobiscum accessit, habens et in manibus suis tenens praeceptum sasinae sub insertum ex capella serenissimi domini nostri regis in favorem dict. Alexandri Comitis de Stirling et Dovan tanquam propinquioris et legitimi haeredis dict. quond. Gulielmi Comitis de Stirling atavi sui deserviti et retornati directum pro danda sasina illi omnium et singularum terrarum aliorumque postea mentionat. content. in dicto praecepto sasinae sub insert. Quodquidem praeceptum sasinae praedictus actornatus in nomine praefati Alexandri Comitis de Stirling et Dovan exhibuit et praesentavit dicto Adamo Duff vicecomiti antedict. eumque rogavit quatenus ad executionem dict. praecepti sasinae secundum tenorem ejusdem procederet Quemque rogatum dict. vicecomes percipiens esse justum rationique consonan. dictum praeceptum sasinae in manibus suis recepit et mihi notario publico subscribenti perlegendum publicandum et testibus astantibus in vulgari sermone explicandum tradidit quod feci et cujus praecepti sasinae tenor sequitur et est talis :

‘ Gulielmus Quartus Dei gratia Britanniarum rex fidei defensor vicecomiti et bali-
‘ vis suis de Edinburgh Salutem. Quia per inquisitionem de mandato nostro per
‘ Georgium Tait armigerum vicecomitem substitutum vicecomitatus de Edinburgh tan-
‘ quam vicecomitem ad eum effectum specialiter constitut. virtute commissionis sub tes-
‘ timonio sigilli inibi specificat. factum et ad capellam nostram retornatam compertum
‘ est Quod quondam Dominus Willielmus Alexander de Menstrie miles primus Comes
‘ de Stirling atavus praehonorabilis Alexandri Comitis de Stirling et Dovan Vicecomitis
‘ de Stirling et Canada Domini Alexander de Tullibodie et caetera latoris praesentium

No. IV.

Instrument of Seisin in favour of Alexander, Earl of Stirling, &c. of Nova Scotia.

In the name of God, Amen. Be it known to all men by this present public instrument, That on the 8th day of July, in the year of our Lord 1831, and of the reign of our sovereign lord, William the Fourth, by the grace of God of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, the second year, In presence of me, notary-public, clerk of the sheriffdom of Edinburgh, and the witnesses subscribing, appeared personally Ephraim Lockhart, writer to his Majesty's signet, attorney for and in name of the Right Honourable Alexander, Earl of Stirling and Dovan, great-great-great grandson of the deceased Sir William Alexander of Menstrie, Knight, the first Earl of Stirling, whose power of attorney was sufficiently known to me, the undersigned notary-public; and passed with us and with Adam Duff, Esquire, advocate, Sheriff-depute of the sheriffdom of Edinburgh, specially constituted by the precept of seisin under inserted, to the Castle of Edinburgh, where by the said precept seisin is to be taken for all and whole the country and others under mentioned, having and holding in his hands the precept of seisin under inserted, directed forth of our sovereign lord the King's chancery in favour of the said Alexander, Earl of Stirling and Dovan, as nearest and lawful heir served and retoured to the said William, Earl of Stirling, his great-great-great grandfather, for giving seisin to him of all and sundry the lands and others after mentioned, contained in the said precept of seisin under inserted; which precept of seisin the foresaid attorney, in the name of the aforesaid Alexander, Earl of Stirling and Dovan, exhibited and presented to the said Adam Duff, Sheriff foresaid, and desired him to proceed to the execution of the said precept of seisin, agreeably to the tenor thereof; which desire the said Sheriff finding to be just and reasonable, he received the said precept of seisin into his hands, and delivered it to me, the undersigned notary-public, to be read, published and explained, in the common speech, to the witnesses present; which I did, and of which precept of seisin the tenor follows in these words:

'William the Fourth, by the grace of God of the United Kingdom of Great 'Britain and Ireland, King, Defender of the Faith, to the Sheriff of Edinburgh and 'his Bailies, Greeting. Forasmuch as it is found, by an inquest made by our com-'mand, by George Tait, Esquire, Sheriff-substitute of the sheriffdom of Edinburgh, as 'Sheriff for that effect, specially constituted, in virtue of a commission under the testi-'monial of the seal, therein specified, and retoured to our chancery, That the deceased 'Sir William Alexander of Menstrie, Knight, the first Earl of Stirling, great-great-great 'grandfather of the Right Honourable Alexander, Earl of Stirling and Dovan, Vis-'count of Stirling and Canada, Lord Alexander of Tullibodie, &c. bearer hereof, died

‘ obiit ad fidem et pacem regiam ultimo vestit. et sasit. ut de feodo in omnibus et sin-
‘ gulis terris continentibus et insulis situat. et jacen. in America intra caput seu pro-
‘ montorium communiter Cap de Sable appellat. jacen. prope latitudinem quadraginta
‘ trium graduum aut eo circa ab equinoctiali linea versus septentrionem a quo promon-
‘ torio versus littus maris tenden. ad occidentem ad stationem navium Sanctae Mariae
‘ vulgo St Mary’s Bay et deinceps versus septentrionem per directam lineam introitum
‘ sive ostium magnae illius stationis navium trajicien. quae excurrit in terrae orientalem
‘ plagam inter regiones Suriquorum et Stecheminorum vulgo Suriquois et Stechemines
‘ ad fluvium vulgo Sanctae Crucis appellat. et ad scaturiginem remotissimam sive fontem
‘ ex occidentali parte ejusd. qui se primum praedicto fluvio immiscit unde per imagina-
‘ riam directam lineam quae pergere per terram seu currere versus septentrionem conci-
‘ pietur ad proximam navium stationem in fluvium vel scaturiginem in magno fluvio de
‘ Canada sese exonerantem et ab eo pergen. versus orientem per maris oras littorales
‘ ejusd. fluvii de Canada ad fluvium stationem navium portum aut littus communiter
‘ nomine de Gathepé vel Gaspé notum et appellatum et deinceps versus euronotum ad
‘ insulas Bacalaos vel Cape Breton vocat. relinquendo easdem insulas a dextra et vora-
‘ ginem dicti magni fluvii de Canada sive magnae stationis navium et terras de New-
‘ foundland cum insulis ad easdem terras pertinen. a sinistra et deinceps ad caput sive
‘ promontorium de Cape Breton praedict. jacen. prope latitudinem quadraginta quinque
‘ graduum aut eo circa et a dict. promontorio de Cape Breton versus meridiem et occi-
‘ dentem ad praedict. Cap de Sable ubi incepit perambulatio includen. et comprehenden.
‘ intra dictas maris oras littorales ac earum circumferentiam a mari ad mare omnes ter-
‘ ras continentes cum fluminibus torrentibus sinibus littoribus insulis aut maribus jacen.
‘ prope aut intra sex leucas ad aliquam earund. partem ex occidentali boreali vel orientali
‘ partibus orarum littoralium et praecinctuum earund. et ab euronoto (ubi jacet Cape
‘ Breton) et ex australi parte ejusd. (ubi est Cap de Sable) omnia maria ac insulas ver-
‘ sus meridiem intra quadraginta leucas dict. orarum littoralium earund. magnam insu-
‘ lam vulgariter appellat. Isle de Sable vel Sablon includen. jacen. versus carban vulgo
‘ south-south-east circa triginta leucas a Cape Breton praedict. in mari et existen. in
‘ latitudine quadraginta quatuor graduum aut eo circa quaequidem terrae praedict. omni
‘ tempore affuturo nomine Novae Scotiae in America gauderent Quae etiam erant in
‘ Gulielmo dict. Comite de Stirling vestit. secundum cartam de novodamus sub magno
‘ sigillo regni Scotiae de data duodecimo die mensis Julii anno Domini millesimo sex-
‘ centesimo et vigesimo quinto fact. dat. et concess. per Carolum Magnae Britanniae
‘ Franciae et Hiberniae regem in favorem dict. Gulielmi Comitis de Stirling (tunc et
‘ sub nomine Domini Willielmi Alexander) haeredum suorum et assignatorum quorum-
‘ cunque haereditarie Et per quam cartam declaratur quod praefatus Gulielmus Comes
‘ de Stirling terras praedict. in partes et portiones sicut ei visum fuerit divideret eisdem-
‘ que nomina pro beneplacito imponeret Una cum omnibus fodinis tam regalibus auri
‘ et argenti quam aliis fodinis ferri plumbi cupri stanni aeris ac aliis mineralibus quibus-
‘ cunque cum potestate effodiendi et de terra effodere causandi purificandi et repurgandi
‘ easdem ac convertendi ac utendi suo proprio usui aut aliis usibus quibuscunque sicuti

'at the faith and peace of the King, last vest and seised as of fee in all and sundry the 'lands, continents and islands situate and lying in America, within the head or cape 'commonly called Cap de Sable, lying near the latitude of forty-three degrees north 'from the equinoctial line, or thereabouts, from which cape towards the sea-coast 'verging to the west, to the naval station of St Mary, commonly called St Mary's 'Bay, and thereafter northwards by a straight line passing the inlet or mouth of that 'great naval station which runs out into the eastern tract of land between the coun-'tries of the Suriquois and Stechemines, to the river commonly called of St Croix, 'and to the furthest source or fountain head thereof on the western part, which first 'unites itself with the foresaid river, whence, by an imaginary straight line, con-'ceived to proceed over land, or run northwards, to the nearest naval station, river 'or source discharging itself into the great river of Canada, and from it pro-'ceeding eastwards by the coasts of the said river of Canada to the river, naval 'station, port or shore commonly known and called by the name of Gathepé or 'Gaspé, and thereafter towards the south-east to the islands called Bacalaos, or Cape 'Breton, leaving the said islands on the right, and the gulf of the said great river of 'Canada, or great naval station, and the lands of Newfoundland, with the islands be-'longing to these lands, on the left, and thereafter to the head or cape of Cape Breton 'foresaid, lying near the latitude of forty-five degrees or thereabouts, and from the said 'cape of Cape Breton towards the southwest, to the foresaid Cap de Sable, where the 'perambulation began, including and comprehending within the said coasts, and their 'circumference from sea to sea, all the lands and continents, with the rivers, brooks, 'bays, shores, islands or seas, lying near or within six leagues of any part of the same, 'on the western, northern, or eastern sides of the coasts and precincts thereof, and on 'the south-east, (where lies Cape Breton,) and on the southern part of the same, (where is 'Cap de Sable,) all the seas and islands southwards within forty leagues of the said coasts 'thereof, including the great island commonly called Isle de Sable or Sablon, lying to-'wards the south-south-east, in the sea, about thirty leagues from Cape Breton foresaid, 'and being in the latitude of forty-four degrees or thereabouts; which lands foresaid 'should in all time to come enjoy the name of Nova Scotia in America; Which also 'were vested in William, the said Earl of Stirling, according to a charter of novodamus 'under the great seal of the kingdom of Scotland, dated the 12th day of July anno Domini '1625, made, given and granted by Charles, King of Great Britain, France and Ire-'land, in favour of the said William, Earl of Stirling, (then and throughout named Sir 'William Alexander,) his heirs and assigns whatsoever, heritably: And by which char-'ter it is declared, that the foresaid William, Earl of Stirling should divide the foresaid 'lands into parts and portions as should seem to him fit, and bestow names on them at 'pleasure; Together with all mines, as well royal of gold and silver, as other mines of 'iron, lead, copper, tin, brass, and other minerals whatsoever, with the power of digging 'and causing dig from the land, purifying and refining the same, and converting and 'using them to his own proper use, or other uses whatsoever, as should seem fit to the

‘ dict. Gulielmo Comiti de Stirling haeredibus suis vel assignatis aut iis quos suo loco
‘ in dictis terris stabilire ipsum contigerit visum fuerit Reservando solummodo dicto
‘ regi et suis successoribus decimam partem metalli vulgo ore auri et argenti quod ex
‘ terra imposterum effodietur aut lucrabitur Relinquendo dicto Gulielmo Comiti de
‘ Stirling suisque praedict. quodcunque ex aliis metallis cupri chalibis ferri stanni plumbi
‘ aut aliorum mineralium dict. rex ac sui successores quovismodo exigere possunt ut eo
‘ facilius magnos sumptus in extrahendis praefatis metallis tolerare possunt una cum
‘ margaritis vulgo pearls ac lapidibus praetiosis quibuscunque aliis lapicidinis silvis virgul-
‘ tis mossis maresiis lacubus aquis piscationibus tam in aqua salsa quam recenti regalium
‘ piscium quam aliorum venatione aucupatione commoditatibus et haereditamentis qui-
‘ buscunque Una cum plenaria potestate privilegio et jurisdictione liberae regalitatis
‘ capellae et cancellariae imperpetuum cumque donatione et jure patronatus ecclesiarum
‘ capellaniarum et beneficiorum cum tenen. tenan. et libere tenen. servitiis earund. una
‘ cum officiis Justiciariae et Admiralitatis respective intra omnes bondas respective supra
‘ mentionat. Una etiam cum potestate civitates liberos burgos liberos portus villas et
‘ burgos baroniae erigendi ac fora et nundinas intra bondas dict. terrarum constituendi
‘ curias justiciariae et admiralitatis intra limites dict. terrarum fluviorum portuum et
‘ marium tenendi una etiam cum potestate imponendi levandi et recipiendi omnia tolonia
‘ custumas anchoragia aliasque dict. burgorum fororum nundinarum et liberorum por-
‘ tuum devorias et easdem possidendi et gaudendi adeo libere in omnibus respectibus
‘ sicuti quivis baro major vel minor in regno Scotiae gavisus est aut gaudere poterit quo-
‘ vis tempore praeterito vel futuro cum omnibus aliis praerogativis privilegiis immunita-
‘ tibus dignitatibus casualitatibus proficuis et devoriis ad dict. terras maria et bondas
‘ earund. spectan. et pertinen. et quae dict. rex dare et concedere poterit adeo libere et
‘ ampla forma sicuti ipsi aut aliquis eorum nobilium progenitorum aliquas cartas patentes
‘ literas infeofamenta donationes aut diplomata concesserunt cuivis subdito cujuscunque
‘ gradus aut qualitatis cuivis societati aut communitati tales colonias in quascunque partes
‘ extraneas deducenti aut terras extraneas investiganti in adeo libera et ampla forma
‘ sicuti eadem in dicta carta insererentur : Faciendo constituendo et ordinando dict.
‘ Gulielmum Comitem de Stirling haeredes suos aut assignatos vel eorum deputatos dict.
‘ regis Haereditarios Locumtenentes-generales ad repraesentandum ejus personam rega-
‘ lem tam per mare quam per terram in regionibus maris oris et finibus praedict. in pe-
‘ tendo dict. terras quamdiu illic manserit ac redeundo ab eisdem ad gubernand. regend.
‘ puniend. et remittend. omnes subditos dict. regis quos ad dict. terras ire aut easdem
‘ inhabitare contigerit aut qui negotiationem cum eisdem suscipient vel in eisdem locis
‘ remanebunt ac eisdem ignoscendum et ad stabiliend. tales leges statuta constitutiones
‘ directiones instructiones formas gubernandi et magistratuum ceremonias intra dictas
‘ bondas sicut ipsi Gulielmo Comiti de Stirling aut ejus praedict. ad gubernationem
‘ dictae regionis et ejusdem incolarum in omnibus causis tam criminalibus quam civili-
‘ bus visum fuerit et easdem leges regimina formas et ceremonias alterand. et mutand.
‘ quoties sibi vel suis praedict. pro bono et commodo dictae regionis placuerit ita
‘ ut dictae leges quam legibus dict. regni Scotiae quam fieri possunt sint concordes ; Et
‘ dando et concedendo liberam et plenariam potestatem praefato Gulielmo Comiti de Stir-
‘ ling suisq. praedict. conferendi favores privilegia munia et honores in demerentes cum

'said William, Earl of Stirling, his heirs or assigns, or to those who, in their place, 'should happen to settle in the said lands: Reserving only to his said Majesty and his 'successors the tenth part of the metal, commonly called ore of gold and silver, that 'shall afterwards be dug or gained out of the earth: Leaving to the said William, Earl 'of Stirling, and his foresaids, whatsoever his said Majesty, and his successors, might in 'any way demand of other metals, copper, steel, iron, tin, lead, or other minerals, that 'they may so much the more easily bear the great charges of extracting the foresaid 'metals, together with pearls and other precious stones whatsoever, quarries, woods, 'copses, mosses, marshes, lakes, waters, fishings, as well in salt water as in fresh, of 'royal fishes as of others, hunting, hawking, commodities and hereditaments whatsoever: Together with full power, privilege and jurisdiction of free regality and chancery 'for ever; and with the gift and right of patronage of churches, chapels and benefices, 'with tenants, tenandries and services of free tenants thereof, together with offices of 'Justiciary and Admiralty respectively, within the bounds above mentioned respectively: 'TOGETHER also with the power of erecting corporations, free boroughs, free ports, 'towns and boroughs of barony, and of appointing markets and fairs within the bounds 'of the said lands, and of holding courts of justiciary and admiralty within the boundaries 'of the said lands, rivers, ports and seas; together also with the power of imposing, 'levying and receiving all tolls, customs, anchorages, and other dues of the said boroughs, 'markets, fairs and free ports, and of possessing and enjoying the same as freely in all 'respects as any greater or lesser baron in the kingdom of Scotland has enjoyed, or 'shall be able to enjoy them, at any time past or to come; with all other prerogatives, 'privileges, immunities, dignities, casualties, profits and duties belonging and pertaining 'to the said lands, seas, and bounds of the same; and which his said Majesty shall have 'power to give and grant, as freely, and in as ample form as he himself, or any of his 'noble progenitors has granted any charters, letters-patent, infeftments, gifts or patents, 'to any subject, of whatsoever degree or quality, to any society or community, planting 'such colonies in whatsoever foreign parts, or exploring foreign lands, in equally free 'and ample form as if the same were inserted in the said charter: Making, constituting 'and appointing the said William, Earl of Stirling, his heirs or assigns, or their deputies, 'his said Majesty's Hereditary Lieutenants-general, to represent his royal person, as well 'by sea as by land, in the countries, sea-coasts and boundaries foresaid, in repairing 'to the said lands, so long as he shall continue there, and in returning from the same; 'to govern, rule, punish and pardon all subjects of his said Majesty who shall have 'happened to go to the said lands, or to be inhabiting the same, or who shall have engaged in trade with them, or shall remain in the same places, and to be favourable to 'them; and to establish such laws, statutes, constitutions, regulations, instructions, 'forms of government, and ceremonies of magistracies, within the said bounds, as to 'him, William, Earl of Stirling, or his foresaids, for the government of the said country 'and its inhabitants, in all causes, criminal as well as civil, shall seem fit; and to alter 'and change the said laws, regulations, forms and ceremonies, as often as he, or his 'foresaids, for the good and advantage of the said country, shall be pleased, so 'that the said laws were consistent, as much as they could be made, with the laws of 'the said kingdom of Scotland; And giving and granting free and plenary power to the 'foresaid William, Earl of Stirling, and his foresaids, of conferring favours, privileges,

‘ plenaria potestate eisdem aut eorum alicui quos cum ipso Gulielmo Comite de Stirling
‘ suisq. praedict. pactiones vel contractus facere pro eisdem terris contigerit sub sub-
‘ scriptione sua vel suorum praedict. et sigillo in dict. carta mentionat. aliquam portionem
‘ vel portiones dict. terrarum portuum navium stationum fluviorum aut praemissorum
‘ alicujus partis disponendi et extradonandi ; erigendi etiam omnium generum machinas
‘ artes facultates vel scientias aut easdem exercendi in toto vel in parte sicuti ei pro bono
‘ ipsorum visum fuerit ; dandi etiam concedendi et attribuendi talia officia titulos jura et
‘ potestates sicuti ei necessarium videbitur secundum qualitates conditiones et persona-
‘ rum merita ; Cum potestate dict. Gulielmo Comiti de Stirling suisque haeredibus et
‘ assignatis erigendi fundandi et extruendi scholas triviales collegia universitates sufficien-
‘ ter provisas cum habilibus et sufficientibus magistris rectoribus regentibus professoribus
‘ omnium scientiarum literarum linguarum et sermonum et providendi pro sufficiente
‘ alimento stipendiis et victu pro eisdem ad hunc effectum ; Ac etiam erigendi praelatos
‘ archiepiscopos episcopos rectores et vicarios parochiarum et ecclesiarum parochialium
‘ et distribuendi et dividendi omnes praedict. bondas dict. regionis in diversis et dis-
‘ tinctis vicecomitatibus provinciis et parochiis pro meliori provisione ecclesiarum et mi-
‘ nisterii divisione vicecomitatuum et omni alia civili politia ; Et similiter fundandi
‘ erigendi et instituendi senatum justiciae loca et justiciae collegia concilii et sessionis
‘ senatores earund. membra pro justiciae administratione intra dictam regionem aliaque
‘ justiciae et judicaturae loca : Praeterea erigendi et designandi tam secreta et privata
‘ concilia et sessiones pro publico bono et commodo dictae regionis et dand. et conce-
‘ dend. titulos honores et dignitates earund. membris et creand. clericos et earund.
‘ membra Et designand. sigilla et registra cum ipsorum custodibus et etiam erigend.
‘ et instituend. officiarios status cancellarium thesaurarium computorum rotulatorem
‘ collectorem secretarium advocatum vel actornatum generalem clericum vel clericos re-
‘ gistri et rotulorum custodes justiciariae clericum directorem vel directores cancellariae
‘ conservatorem vel conservatores privilegiorum dictae regionis advocatos procuratores
‘ earundemq. solicitatores aliaque membra necessaria : Et praeterea dandi concedendi
‘ et disponendi aliquas partes vel portiones dict. terrarum et dominii Novae Scotiae iis hae-
‘ reditarie spectan. ad et in favorem quorumcunque personarum eorum haeredum et assig-
‘ natorum haereditarie cum decimis et decimis garbalibus earund. inclusis (modo regis
‘ sint subditi) tenend. de dict. Gulielmo Comite de Stirling vel de dict. rege et suis succes-
‘ soribus vel in alba firma feudifirma vel warda et relevio pro eorum beneplacito et intitu-
‘ lare et denominare easdem partes et portiones quibuscunque stylis titulis et designa-
‘ tionibus iis visum fuerit aut in libito et optione dict. Gulielmi Comitis de Stirling
‘ suorumq. praedictorum ; quaequidem infeofamenta et dispositiones per dict. regem
‘ suosque successores libere sine aliqua compositione propterea solvend. approbabuntur
‘ et confirmabuntur : Insuper dict. rex suique successores quascunque resignationes
‘ per dict. Gulielmum Comitem de Stirling suosque haeredes et assignatos fiendas de
‘ totis et integris praefatis terris et dominio Novae Scotiae vel alicujus earund. partis in
‘ manibus dict. regis suorumq. successorum et commissionariorum cum decimis et deci-
‘ mis garbalibus earund. inclusis aliisque generaliter et specialiter supra mentionat. re-
‘ cipiet ad et in favorem cujuscunq. personae aut quarumcunq. personarum (modo sui sint

'employments and honours upon deserving persons, with full power to those or any of 'them, who shall have happened to make covenants or contracts for the said lands with 'him, William, Earl of Stirling, and his foresaids, under the subscription of himself or 'of his foresaids, and the seal mentioned in the said charter, of disponing and overgiving 'any portion or portions of the said lands, ports, naval stations, rivers or any part of 'the premises; of erecting also inventions of all sorts, arts, faculties, or sciences, or of 'practising the same in whole or in part as to him, for their good, shall seem fit; also 'of giving, granting and bestowing such offices, titles, rights and powers as to him shall 'appear necessary, according to the qualities, conditions and merits of the persons; 'WITH POWER to the said William, Earl of Stirling, and his heirs and assigns, of erect-'ing, founding and constructing common schools, colleges and universities, sufficiently 'provided with able and sufficient masters, rectors, regents, professors of all sciences, 'learning, languages and instruction, and of providing for sufficient maintenance, sala-'ries, and living for them to that effect; As also of instituting prelates, archbishops, 'bishops, rectors and vicars of parishes and parish churches, and of distributing and di-'viding all the foresaid bounds of the said country into divers and distinct shires, pro-'vinces and parishes, for the better provision of the churches and ministry, division of 'the shires, and all other civil police; And likewise of founding, erecting and institu-'ting a senate of justice, places and colleges of justice, council and session, senators 'thereof, members for the administration of justice within the said country, and other 'places of justice and judicature: Further, of erecting and appointing also secret and 'privy councils and sessions for the public good and advantage of the said country, and 'giving and granting titles, honours and dignities to the members thereof, and creating 'their clerks and members; And appointing seals and registers with their keepers; and 'also of erecting and instituting officers of state, a chancellor, treasurer, comptroller, 'collector, secretary, advocate or attorney-general, a clerk or clerks of register, and 'keepers of rolls, justice-clerk, director or directors of chancery, conservator or conser-'vators of the privileges of the said country, advocates, procurators and solicitors there-'of, and other members necessary: AND FURTHER, of giving, granting and disponing 'any parts or portions of the said lands and lordship of Nova Scotia, heritably belong-'ing to them, to and in favour of whatsoever persons, their heirs and assigns, heritably, 'with the teinds and teind-sheaves thereof included, (provided they are his Majesty's 'subjects,) to be holden of the said William, Earl of Stirling, or of his said Majesty 'and his successors, either in blench-farm, feu-farm, or in ward and relief, at their 'pleasure, and to intitle and denominate the said parts and portions by whatso-'ever styles, titles and designations should seem to them fit, or be in the will and op-'tion of the said William, Earl of Stirling, and his foresaids; which infeftments and 'dispositions shall be approved and confirmed by his said Majesty and his successors, 'freely, without any composition to be paid therefor: MOREOVER, his said Majesty and 'his successors shall receive whatsoever resignations shall have been made by the said 'William, Earl of Stirling, and his heirs and assigns, of all and whole the foresaid lands 'and lordship of Nova Scotia, or of any part thereof, in the hands of his said Majesty, 'and of his successors and commissioners, with the teinds and teind-sheaves thereof in-'cluded, and others generally and particularly above mentioned, to and in favour of 'whatsoever person or persons, (provided they are his Majesty's subjects, and live under

‘ subditi et sub sua obedientia vivant) et desuper infeofamenta expedient tenend. in libera
‘ alba firma de dict. rege haeredibus et successoribus suis modo supra mentionat. libere
‘ sine ulla compositione : Insuper dando concedendo et committendo potestatem dicto
‘ Gulielmo Comiti de Stirling suisque haeredibus et assignatis habendi et legitime sta-
‘ biliendi et cudere causandi monetam in dict. regione et dominio Novae Scotiae et in-
‘ ter inhabitantes ejusd. pro faciliori commercii et pactionum commodo talis metalli for-
‘ mae et modi sicut ipsi designabunt aut constituent : Praeterea dando concedendo
‘ ratificando et confirmando dict. Gulielmo Comiti de Stirling suisque haeredibus et
‘ assignatis omnia loca privilegia praerogativas praecedentias quascunque dat. concess. et
‘ reservat. vel dand. concedend. et reservand. dict. Gulielmo Comiti de Stirling suisque
‘ haeredibus et assignatis ejusque successoribus Locumtenentibus dictae regionis et do-
‘ minii Novae Scotiae per equites auratos baronettos reliquosque portionarios at consor-
‘ tes dict. plantationis adeo ut dictus Gulielmus Comes de Stirling suique haeredes mas-
‘ culi de corpore suo descenden. tanquam Locumtenentes praedict. sumerent et sumere
‘ poterint locum praerogativam praeeminentiam et praecedentiam tam ante omnes armi-
‘ geros barones et generosos vulgo squires lairds and gentlemen dicti regni Scotiae quam
‘ ante omnes praedict. equites auratos baronettos ejusd. regni omnesque alios ante quos
‘ dict. equites aurati baronetti locum et praecedentiam virtute privilegii dignitatis iis
‘ concess. habere possunt : Quaequidem tota et integra provincia et terrae de Nova
‘ Scotia cum omnibus earund. limitibus et maribus fuerunt unit. annexat. et incorporat.
‘ in unum integrum et liberum dominium et baroniam per praedict. nomen Novae
‘ Scotiae omni tempore futuro appelland. ; et per quam cartam ordinatur quod unica
‘ sasina per dict. Gulielmum Comitem de Stirling suosque praedict. apud Castrum de
‘ Edinburgh omni tempore futuro stabit et sufficiens erit pro tota et integra regione
‘ cum omnibus partibus pendiculis privilegiis casualitatibus libertatibus et immunitatibus
‘ ejusdem supra mentionat. absque aliqua alia speciali aut particulari sasina per ipsum
‘ suosque praedict. apud aliquam aliam partem capienda ; prout in dict. carta compre-
‘ henden. diversas alias conditiones provisiones limitationes et restrictiones cum multis et
‘ magnis privilegiis immunitatibus dignitatibus et honoribus latius continetur Et in
‘ quibus terris antedict. praefatus Gulielmus Comes de Stirling fuit debite infeodat.
‘ virtute praecepti sasinae in fine dictae cartae inserti secundum instrumentum sasinae
‘ desuper sequen. de data vigesimo nono die mensis Septembris anno Domini millesimo
‘ sexcentesimo et vigesimo quinto et recordat. in generali registro sasinarum &c. custo-
‘ dit. apud Edinburgh primo die mensis Octobris anno praedict. Et quod dict. Alex-
‘ ander Comes de Stirling et Dovan est propinquior et legitimus haeres dict. quond.
‘ Gulielmi Comitis de Stirling atavi sui in omnibus et singulis terris aliisq. praedict.
‘ Et quod est legitimae aetatis Et quod dict. terrae aliaque cum pertinen. de nobis
‘ in capite immediate tenentur Vobis praecipimus et mandamus quatenus praefato
‘ Alexandro Comiti de Stirling et Dovan vel suo certo actornato latori praesentium
‘ sasinam eorund. juste haberi faciatis sine dilatione salvo jure cujuslibet ac capien. se-
‘ curitatem de ii[d]. monetae Scotiae per duplicationem albae firmae devoriae praefat. ter-
‘ rarum aliorumq. ut supra memorat. jacen. ut supra nobis debitis et hoc nullo modo

'his obedience,) and they shall pass infeftments thereon, to be holden in free blench-
'farm of his said Majesty, his heirs and successors, in manner above mentioned,
'freely, without any composition: MOREOVER, giving, granting and committing
'power to the said William, Earl of Stirling, and his heirs and assigns, of having
'and lawfully establishing and causing coin money in the said country and lord-
'ship of Nova Scotia, and for the readier convenience of commerce and agree-
'ments amongst the inhabitants thereof, of such metal, form and fashion as they
'shall appoint or fix: FURTHER, giving, granting, ratifying and confirming to the said
'William, Earl of Stirling, and his heirs and assigns, all places, privileges, prerogatives
'and precedencies whatsoever, given, granted and reserved, or to be given, granted and
'reserved to the said William, Earl of Stirling, and his heirs and assigns, and his suc-
'cessors, Lieutenants of the said country and lordship of Nova Scotia, over the knights-
'baronets and remanent portioners and associates of the said plantation, so as the
'said William, Earl of Stirling, and his heirs-male descending of his body, as
'Lieutenants foresaid, might and could take place, prerogative, pre-eminence and
'precedency, as well before all squires, lairds and gentlemen of the said king-
'dom of Scotland, as before all the foresaid knights-baronets of the said king-
'dom, and all others before whom the said knights-baronets, by privilege of the
'dignity granted to them, can have place and precedency: ALL and whole which
'province and lands of Nova Scotia, with all the boundaries and seas of the same, were
'united, annexed and incorporated into one entire and free lordship and barony, to be
'called by the foresaid name of Nova Scotia in all time to come; and by which charter
'it is ordained, that one seisin, to be taken by the said William, Earl of Stirling, and
'his foresaids, at the Castle of Edinburgh, without any other special or particular seisin
'by himself and his foresaids, at any other part, shall stand and be sufficient, in all time
'coming, for all and whole the country above mentioned, with all the parts, pendicles,
'privileges, casualties, liberties, and immunities thereof; as in the said charter, com-
'prehending divers other conditions, provisions, limitations and restrictions, with many
'and great privileges, immunities, dignities and honours, is more fully contained; AND
'in which lands aforesaid, the foresaid William, Earl of Stirling, was duly infeft, in vir-
'tue of the precept of seisin inserted in the end of the said charter, according to in-
'strument of seisin following thereon, dated the 29th day of September, and recorded
'in the General Register of Seisins, &c. kept at Edinburgh, the 1st day of October
'anno Domini 1625: AND THAT the said Alexander, Earl of Stirling and Dovan, is
'nearest and lawful heir of the said deceased William, Earl of Stirling, his great-great-
'great grandfather, in all and sundry the lands and others foresaid; AND THAT he is
'of lawful age; AND THAT the said lands and others, with the pertinents, are holden
'immediately of us in chief. WHERFORE we require and command you, that ye give
'seisin thereof to the foresaid Alexander, Earl of Stirling and Dovan, or his certain
'attorney, bearer hereof, without delay, saving the right of every person whatsoever,
'and taking security of two pennies Scots money, by duplication of the blench farm-
'duty of the foresaid lands and others as above mentioned, lying as above, due to us;
'and this in no wise ye leave undone, these presents after the next term being to no

‘ omittatis praesentibus post proximum terminum minime valituris. Teste meipso apud ‘ Edinburgum septimo die mensis Julii regnique nostri anno secundo 1831.

‘ Vicecomiti et Balivis suis de Edinburgh pro Alexandro Comite de Stirling et Do- ‘ van atavo.

(Sic subscribitur) ‘ WILLIAM CAMPBELL Jr. Sub.’

POST cujus praecepti sasinae PERLECTIONEM et testibus astantibus vulgari sermone INTERPRETATIONEM praefatus vicecomes virtute dict. praecepti sasinae et dispensationis inibi content. et balivalis officii inibi sibi commissi statum et sasinam haereditariam pariterque possessionem actualem realem et corporalem dictarum terrarum aliorumque supra specificat. cum pertinen. praenominato Alexandro Comiti de Stirling et Dovan haeredi antedict. DEDIT TRADIDIT pariterque DELIBERAVIT idque per traditionem terrae et lapidis fundi dict. Castri in manibus dict. actornati pro ac in nomine dict. Alexandri Comitis de Stirling et Dovan secundum tenorem dict. praecepti sasinae supra insert. et dispensationis in eodem content. in omnibus. SUPER QUIBUS omnibus et singulis praemissis praedict. actornatus a me notario publico subscribente instrumenta sibi fieri petiit. ACTA ERANT HAEC apud dict. Castrum de Edinburgh intra exteriorem portam ibidem virtute dispensationis praedict. horam inter undecimam ante meridiem et ipsum meridiem die mensis anno Domini regnique serenissimi domini nostri regis quibus supra PRAESENTIBUS ibidem Davide Byars clerico in camera clerici vicecomitatus de Edinburgh et Gulielmo Wilson filio natu secundo mei notarii publici residen. in Lyndoch Place apud Edinburgh testibus ad praemissa specialiter rogatis et requisitis ac hocce publicum instrumentum mecum subscriben.

Veritas.
JA. WILSON, N. P.
Dav. Byars, witness.
Wm. Wilson, witness.

ET ego vero Jacobus Wilson clericus Edinburgensis dioceseos et clericus vicecomitatus Edinburgensis ac notarius publicus auctoritate regali ac per Dominos Concilii et Sessionis secundum tenorem acti Parliamenti admissus quia praemissis omnibus et singulis dum sic ut praemittitur dicerentur agerentur et fierent una cum praenominatis testibus praesens personaliter interfui eaque omnia et singula praemissa sic fieri et dici vidi scivi et audivi ac in notam cepi ideoque hoc praesens publicum instrumentum manu aliena super hanc et sex praecedentes paginas pergamenae debite impressae cum marginale additione super paginam tertiam fideliter scriptum exinde confeci et in hanc publici instrumenti formam redegi signoque nomine et cognomine meis solitis et consuetis signavi et subscripsi in fidem robur et testimonium veritatis omnium et singulorum praemissorum rogatus et requisitus.

At Edinburgh, the twelfth day of August one thousand eight hundred and thirty-one years, this sasine was presented by Ephraim Lockhart, writer to the signet, and is recorded in the one thousand six hundred and forty-sixth book of the new General Register of Sasines, Reversions, &c. and on the 102, 103, 104, 105, 106, 107, 108, 109, 110 and 111th leaves thereof, conform to the act of Parliament made thereanent in June 1617, by me, depute-keeper of said Register. AR. WISHART.

'purpose. Witness myself at Edinburgh, the 7th day of July, and in the second year 'of our reign, 1831.

'To the Sheriff of Edinburgh and his Bailies, for Alexander, Earl of Stirling and 'Dovan, to his great-great-great grandfather.

(Signed) 'WILLIAM CAMPBELL Jr. Sub.'

AFTER READING and INTERPRETING which precept of seisin, in the common speech, to the witnesses present, the foresaid Sheriff, in virtue of the said precept of seisin, and of the dispensation therein contained, and the office of bailiary therein committed to him, GAVE and DELIVERED heritable state and seisin, actual, real and corporal possession of the said lands and others above specified, with the pertinents, to the before-named Alexander, Earl of Stirling and Dovan, heir aforesaid, and that by delivery of earth and stone of the ground of the said Castle into the hands of the said attorney, for and in name of the said Alexander, Earl of Stirling and Dovan, after the tenor of the said precept of seisin above inserted, and dispensation contained in the same, in all points. WHEREUPON, and upon all and sundry the premises, the foresaid attorney asked instruments from me, the undersigned notary-public. THESE THINGS WERE SO DONE at the said Castle of Edinburgh, within the outer gate there, in virtue of the dispensation foresaid, between the hours of eleven forenoon and twelve noon, on the day of the month, in the year of our Lord, and of the reign of our sovereign lord the King, above written, IN PRESENCE OF David Byars, clerk in the office of the clerk of the sheriffdom of Edinburgh, and William Wilson, second son of me, notary-public, residing in Lyndoch Place, at Edinburgh, witnesses to the premises specially called and required, and this public instrument with me subscribing.

AND I truly, James Wilson, clerk of the diocese of Edinburgh, and clerk of the sheriffdom of Edinburgh, and notary-public, by royal authority, and by the Lords of Council and Session, according to the tenor of the act of Parliament admitted, because at all and sundry the premises, whilst they were, as is before stated, so said, done and performed, I was, together with the before-named witnesses, personally present, and all and sundry these premises I saw, knew, and heard so performed and said, and took a note of them; therefore I, being called and required, prepared therefrom this present public instrument, by another hand, upon this and the six foregoing pages of parchment, duly stamped, with the marginal addition on page third, faithfully written, and have rendered it in this form of a public instrument; and in faith, corroboration and testimony of the truth of all and sundry the premises, have signed and subscribed the same with my sign, name and surname, used and wont.

Veritas.

JA. WILSON, N. P.

Dav. Byars, witness.

Wm. Wilson, witness.

No. V.

Original Charter in favour of Sir William Alexander of Menstrie, Knight, of the Lordship of Canada, &c.

Carolus Dei Gratia Magne Britannie Francie et Hibernie Rex Fideique Defensor Omnibus probis hominibus totius terre seu clericis et laicis salutem Sciatis quia nos perfecte diligentes quo pacto fidelis ac praedilectus noster consiliarius Dominus Willielmus Alexander de Menstrie miles noster Principalis Secretarius pro regno nostro Scotiae ac Haereditarius Locum tenens regionis et dominii nostri Novae Scotiae in America variis suis susceptis navium machinarum bellicarum tormentorum et munitionum provisione deductione coloniarum necnon in dicta regione perspicienda peragranda et possidenda magnos sumptus et impensas sustinuerit et quo melius ipse ceterique nostri subditi dictae regionis inhabitationem secum experturi corroborentur pro ulteriore nostrorum in istis partibus dominiorum dilatatione Christianae religionis inibi propagatione viaeque seu transitus sperabili revelatione et detectione ad ista maria quae Americae ab occidente incumbunt vulgo *lie South Sea* nuncupata unde magni istius fluminis seu sinus Canadae vel alicujus in eundem defluentis fluvii caput seu scaturigo non procul distare existimatur ac quoniam ex specimine per dictum Dominum Willielmum in dictae regionis Novae Scotiae ad praefatum sinum et fluvium Canadam terminantis perspectione et peragratione hactenus exhibito spectata plantationis in istis partibus mitia ad propagationem dictae religionis magnumque antiqui regni nostri Scotiae decus et emolumentum tantum tendentia sibi stabilienda proposuit ex quo fieri potest ut dictae coloniae per ipsum suosque successores plantandae hac ope praefatam viam seu transitum ad dicta maria multum huc usque praegravibus considerationibus desideratum totiesque per varias personas susceptum processu temporis detegant Igitur ac pro dicti Domini Willielmi haeredum suorum assignatorum suorumque participum et associatorum ad ulteriorem in tali tantoque suscepto progressum flagrantioribus accendendis animis nos cum specialibus avisamento et consensu praefidelis et praedilecti nostri consanguinei et consiliarii Joannis Comitis Marriae Domini Erskene et Gareoch magni nostri thesaurarii nostrorum computorum rotulatoris collectoris et thesaurarii novarumque nostrarum augmentationum regni nostri Scotiae fidelis et praedilecti nostri consiliarii Archibaldi Domini Naper de Merchingstoun nostri in dictis officiis deputati ac reliquorum dominorum nostri secreti consilii nostrorum commissionariorum dicti regni nostri Scotiae Dedimus concessimus et disposuimus tenoreque praesentis cartae nostrae Damus concedimus et disponimus praefato Domino Willielmo Alexander haeredibus suis et assignatis haereditarie imperpetuum Omnes et singulas insulas infra sinum Canadae jacentes inter Novam Scotiam et Terram Novam ad ostium et introitum praedicti magni fluminis Canadae ubi decidit et intrat in dictum sinum (includendo inibi magnam insulam Anticosti) necnon dedimus concessimus et disposuimus tenoreque praesentis cartae nostrae damus concedimus et disponimus praenominato Domino Willielmo Alexander suisque praedictis omnes et singulas insulas infra dictum fluvium Canadam jacentes a dicto ostio

No. V.

Charter of Canada, 1628.

CHARLES, by the Grace of God, King of Great Britain, France and Ireland, and Defender of the Faith. To all good men of his whole land, clergy and laity, greeting: Know ye, that we, being perfectly mindful by what engagement our faithful and well-beloved Councillor, Sir William Alexander of Menstrie, Knight, our Principal Secretary for our kingdom of Scotland, and Hereditary Lieutenant of our country and dominion of Nova Scotia, in America, has sustained great charges and expenses in his various undertakings, in the providing of ships, engines of war, ordnance and munitions, in the conducting of colonies; as also, in exploring, settling and taking possession of the said country; and, whereby, he, and our other subjects, who alongst with him were to find a settlement in the said country, might be assisted for the further diffusion of the Christian religion, in those parts of our dominions, its propagation therein, and the expected revealing and discovery of a way or passage to those seas, which lie upon America on the west, commonly called the South Sea, from which the head, or source of that great River or Gulf of Canada, or some river flowing into it, is deemed to be not far distant; and since by the example already exhibited by the said Sir William in the exploring and settling of the said country of Nova Scotia, terminating at the foresaid Gulf and River Canada, he has proposed establishments by him in those parts of the plantation, which seem to be favourable for the propagation of the said religion, and tending only to the great honour and profit of our ancient kingdom of Scotland, whence it may come to pass that the said colonies to be planted by him and his successors, may by this means, in process of time, discover the foresaid way or passage to the said seas, much hitherto, for very weighty considerations, desired, and so often by various persons undertaken. Therefore, and for exciting the more earnest resolutions of the said Sir William, his heirs, assignees, portioners and associates, to further progress in such and so great an enterprise, we, with the special advice and consent of our very faithful and well-beloved Cousin and Councillor, John, Earl of Mar, Lord Erskene and Gareoch, our High Treasurer, Comptroller, Collector and Treasurer of our new augmentations of our kingdom of Scotland; our faithful and well-beloved Councillor, Archibald, Lord Naper of Merchingstoun, our deputy in the said offices, and the remanent Lords of our Privy Council; our Commissioners of our said kingdom of Scotland; have given, granted and disponed, and, by our present charter, give, grant and dispone to the foresaid Sir William Alexander, his heirs and assignees, heritably, for ever, all and sundry islands within the Gulf of Canada, lying between Nova Scotia and Newfoundland, at the mouth and entrance of the great river Canada aforesaid, where it falls and enters into the said Gulf (including therein the great island Anticosti.) Also, we have given, granted and disponed, and, by our present charter, give, grant and dispone to the before-named Sir William Alexander, all and sundry islands, lying within the said river Canada, from the

et introitu ad caput usque primum ortum et scaturiginem ejusdem ubicunque sit aut lacum unde fluit (qui putatur esse versus magnum sinum Californiae a quibusdam Mare Vermeis nuncupatum) aut infra quosvis alios fluvios in dictum fluvium Canadam defluentes vel in quibuscunque lacubus aquis sive fretis per quae vel dictus magnus fluvius Canada vel aliqui alii dictorum fluviorum decurrunt aut in quibus exeunt ac praeterea dedimus et concessimus tenoreque praesentis cartae nostrae damus et concedimus praefato Domino Willielmo suisque antedictis quinquaginta leucas bondarum ab utroque latere antedicti fluvii Canadae a dicto ostio et introitu ad dictum caput fontem et scaturiginem ejusd necnon ab utroque latere dictorum aliorum fluviorum in eundem defluentium ac etiam ab utroque latere dictorum lacuum fretorum seu aquarum per quas quilibet dictorum fluviorum decurrunt aut in quibus exeunt et similiter dedimus et concessimus tenoreque praesentis cartae nostrae damus et concedimus praefato Domino Willielmo Alexander suisque praedictis totas et integras bondas et transitus tam in aquis quam in terra a praedicto capite fonte et scaturigine Canadae ubicunque sit aut a quocunque lacu unde labitur ad praefatum sinum Californiae quantacunque comperta fuerit esse distantia cum quinquaginta leucis omnimodo ab utroque latere ejusdem transitus ante dictum caput Canadae et sinum Californiae et similiter omnes et singulas insulas infra eundem sinum Californiae jacentes ac etiam totas et integras terras et bondas eidem sinui ab occidente et austro adjacen sive reperiantur pars continentis sive terrae firmae sive insula (ut putatur esse) quae Californiae nomine vulgo nuncupatur et indigitatur insuper dedimus et concessimus tenoreque praesentis cartae nostrae damus et concedimus ac pro nobis et successoribus nostris cum avisamento et consensu praedict pro perpetuo confirmamus praefato Domino Willielmo Alexander haeredibus suis et assignatis quibuscunque haereditarie omnes et singulas alias terras bondas lacus fluvios freta silvas forestas aliaque per ipsum suosve successores eorum participes associatos aut alios eorum nomine seu potestatem ab his habentes quocunque tempore futuro invenienda conquerenda seu detegenda super utroque latere integrarum bondarum et transitus antedict ab ostio et introitu dicti fluvii Canadae ubi in dictum sinum Canadae se exonerat ad dictum sinum Californiae aut insulas in maribus eidem adjacentibus quae per alios nostros subditos aut subditos alterius alicujus Christiani principis seu ordinum nobiscum in foedere et amicitia constitutorum hactenus realit et actualit possess non sunt Cum plena et absoluta potestate ipsi dicto Domino Willielmo Alexander suisque praedict (nullisque aliis) eorum factoribus servis et aliis eorum nomine colonias stabiliendi ac utendi commercio in praenominatis locis seu bondis vel qualibet earundem parte particularit designat omnesque alios ab iisdem arcendi seu prohibendi Necnon proportiones terrarum earundem cuicunque personae seu quibuscunque personis prout sibi commodum videbitur elocandi ac super iisdem terminis conditionibus restrictionibus et observationibus infra omnes praenominatas bondas sicut in Nova Scotia per quascunque literas patentes seu diplomata ipsi per quond nostrum charissimum patrem vel nosmetipsos concess facere potest cum talibus etiam et tantis privilegiis libertatibus et immunitatibus in omnibus praedictis locis seu bondis insulis aliisque suprascriptis tam in mari aqua dulci quam in terra quales quantasque dictus Dominus Willielmus Alexander habet in Nova Scotia perpriores suas literas patentes seu diplomata de Nova Scotia de data apud

said mouth and entrance, up to the head, fountain and source thereof, wheresoever it be, or the lake whence it flows, (which is thought to be towards the Gulf of California, called by some the Vermilion Sea,) or within any other rivers flowing into the said river Canada, or in whatsoever lakes, waters, or arms of the sea, through which either the said great river Canada, or any of the said other rivers pass, or in which they discharge themselves. And further, we have given and granted, and, by our present charter, give and grant to the foresaid Sir William, and his foresaids, fifty leagues of bounds, on both sides of the foresaid river Canada, from the said mouth and entrance, to the said head, fountain and source thereof; also on both sides of the said other rivers flowing into the same; as also, on both sides of the said lakes, arms of the sea, or waters, through which any of the said rivers have their course, or in which they terminate; and, in like manner, we have given and granted, and, by our present charter, give and grant to the foresaid Sir William Alexander, and his foresaids, all and whole the bounds and passages, as well in waters as on land, from the foresaid head, fountain, and source of (the river) Canada, wheresoever it is, or from whatsoever lake it flows, down to the foresaid Gulf of California, whatsoever the distance shall be found to be, with fifty leagues altogether on both sides of the said passage, before the said head of (the river) Canada, and Gulf of California; and likewise, all and sundry islands lying within the said Gulf of California; as also, all and whole the lands and bounds adjacent to the said Gulf, on the West and South, whether they be found a part of the continent or main land, or an island, (as it is thought they are,) which is commonly called and distinguished by the name of California. Moreover, we have given and granted, and, by our present charter, give and grant, and for us and our successors, with advice and consent foresaid, perpetually confirm to the foresaid Sir William Alexander, his heirs and assignees whatsoever, heritably, all and sundry other lands, bounds, lakes, rivers, arms of the sea, woods, forests, and others that shall be found, conquered or discovered, at any future time, by him or his successors, their partners, associates, or others in their name, or having power from them, upon both sides of the whole bounds and passages foresaid, from the mouth and entrance of the said river Canada, where it discharges itself into the said Gulf of Canada, to the said Gulf of California, or the islands in the seas thereto adjacent, which are not yet really and actually possessed by others, our subjects, or the subjects of any other Christian Prince, or constituted Orders in alliance and friendship with us, with full and absolute power to him the said Sir William Alexander, and his foresaids, (and to no others,) their stewards, servants, and others in their name, of establishing colonies, and engaging in commerce, in the before-named places or bounds, or any part of them particularly designed, and of expelling or debarring all others from the same: also, of leasing out proportions of the lands thereof, to whatsoever person or persons shall seem to him fit, and on the same terms, conditions, restrictions, and observances, within all the before-named bounds, as he can do in Nova Scotia, by whatsoever Charters or Patents granted to him by our late dearest father or by ourselves: Also, with such, and as great privileges and immunities, in all the foresaid places, or bounds, islands, and others above written, as well in the sea and fresh water, as on land, as the said Sir William Alexander has in Nova Scotia, by his prior Charters or Patents of Nova Scotia, dated at

Quaequid privilegia in dictis prioribus literis patentibus contenta et unumquodque eorum adeo sufficientia et valida fore ordinamus ac si singula hic particularit et sigillatim concessa et expressa fuissent de verbo in verbum ejusdem omnimodo roboris fortitudinis et efficaciae fore volentes penes quorum particularem hic non insertionem nos pro nobis et successoribus nostris dispensavimus tenoreque praesentis cartae nostrae dispensamus imperpetuum Declarando etiam sicut nos cum avisamento et consensu praedicto ordinamus et declaramus pro nobis et successoribus nostris quod hae praesentes nostrae literae paten seu diploma nullatenus erit praejudicabile nec derogativum quibuscunque juribus cartis seu diplomatibus praefato Domino Willielmo Alexander suisve antedictis de aut super Nova Scotia quocunque tempore datam praesentium praecedente concessis aut alicui capiti clausulae articulo seu conditioni in iisdem expressis ac etiam sine praejudicio prioris alicujus literae patentis per nos antehac quibuscunque Baronettis infra Scotiam de regione Novae Scotiae concess seu concedend quovis tempore futuro Prohibendo et vetando prout nos tenore praesentis cartae nostrae specialit prohibemus et vetamus omnes et singulos nostros subditos cujuscunque gradus seu conditionis in quolibet nostrorum regnorum seu dominiorum ne ullam faciant plantationem nec ullo utantur commercio in dictis locis seu bondis sinubus fluviis lacubus insulis et fretis suprascriptis aut in aliqua earund parte absque specialibus avisamento licentia et consensu praefati Domini Willielmi Alexander suorumve praedictorum ac cum speciali potestate dicto Domino Willielmo Alexander suisque praedictis attachiandi arrestandi et deprehendendi omnes et singulas personas quae negotiari et commercio uti in aliqua dictorum locorum seu bondarum parte contra hanc prohibitionem inventae fuerint eorumque naves et bona confiscandi ac desuper in suos proprios usus pro libito disponendi absque ullo computo seu ratione de eisd vel aliqua earund parte reddenda quomodolibet omniaque alia adeo libere et large in omnibus intentionibus propositis et instructionibus faciendi infra totas et integras praenominatas bondas seu spatia sicuti praefatus Dominus Willielmus Alexander suique praedicti infra dictam regionem Novae Scotiae seu dictum regnum nostrum Scotiae fecisse potuit seu facere potest virtute cujuslibet dictarum literarum patentium priorum cartarum seu diplomatum Tenendas et Habendas totas et integras praenominatas terras spatia seu bondas insulas aliaque generalit et particularit expressa cum singulis suis privilegiis immunitatibus et commoditatibus quibuscunque generalit et particularit supramentionat praefato Domino Willielmo Alexander suisque praedictis de nobis et successoribus nostris de corona et regno nostro Scotiae in libera alba firma imperpetuum per omnes rectas metas antiquas suas et divisas prout jacent in longitudine et latitudine in domibus aedificiis boscis planis moris maresiis viis semitis aquis stagnis rivolis pratis pascuis et pasturis molendinis multuris et eorum sequelis aucupationibus venationibus piscationibus petariis turbariis carbonibus carbonariis cuniculis cunicularis columbis columbariis fabrilibus brasinis brueriis et genistis silvis nemoribus et virgultis lignis tignis lapicidiis lapide et calce cum curiis et earum exitibus herezeldis bludevitis et mulierum merchetis cum communi pastura liberoque introitu et exitu ac cum omnibus aliis et singulis suis libertatibus commoditatibus proficuis asiamentis ac justis suis pertinen quibuscunque tam non nominat quam nominat tam subtus terra quam supra terram procul et prope ad praedict terras cum pertinen spectan seu juste spectare valen quomodolibet in futurum libere quiete

which privileges, contained in the said prior charters, and every one of them, we ordain to be equally sufficient and valid, and altogether of the same strength, force and effect, as if each had been herein, word for word, particularly, and by itself, granted and expressed; as to the not particular insertion of which herein, we, for us and our successors, have dispensed, and, by our present charter, for ever dispense; declaring also, as we, with advice and consent foresaid, ordain and declare, for us and our successors, that this our present Charter or Patent shall in no wise be prejudicial or derogatory to whatsoever rights, Charters or Patents, granted to the foresaid Sir William Alexander, or his foresaids, of, or concerning Nova Scotia, at whatsoever time preceding the date of these presents, or to any head, clause, article or condition therein expressed, as also shall be, without prejudice, to any prior charter granted by us ere now, or to be granted at any time to come to whatsoever Baronets within Scotland, of the country of Nova Scotia; prohibiting and forbidding all and sundry our subjects, of whatsoever degree or condition, wheresoever, in our kingdoms or dominions, to make any plantation, or engage in any commerce in the said places or bounds, gulfs, rivers, lakes, islands and arms of the sea above written, or in any part thereof, without the special advice, permission and consent of the foresaid Sir William Alexander, or his foresaids; and with special power to the said Sir William Alexander, and his foresaids, of seizing, arresting and apprehending all and sundry persons, who shall be found to be in trade, and engaged in commerce in any part of the said places or bounds, contrary to this prohibition, and of confiscating their ships and goods, and disposing thereof at pleasure, to their own proper uses, without rendering any count or reckoning in any manner, for the same, or any part thereof; and of doing all other things within all and whole the before-named bounds or spaces, as freely and fully, to all intents, purposes and instructions, as the foresaid Sir William Alexander and his foresaids could have done, or can do within the said country of Nova Scotia, or our said kingdom of Scotland, in virtue of any of the said letters-patent, prior Charters or Patents: To be holden, and to hold all and whole the before-named lands, spaces or bounds, islands and others, generally and particularly expressed, with their sundry privileges, immunities and commodities whatsoever, generally and particularly, above mentioned, by the foresaid Sir William Alexander and his foresaids, of us and our successors, of the Crown and our kingdom of Scotland, in free blench farm for ever, by all their right, meiths, old and divided, as they lie in length and breadth, in houses, buildings, thickets, plains, muirs, marshes, roads, foot-paths, waters, pools, rivulets, meadows, grazings and pastures; mills, multures and their sequels; fowlings, huntings, fishings, peat ground, turf grounds, coals, coal pits, rabbits' warrens, pigeons, dovecots, forges, kilns, breweries and broom woods, groves and shrubs, buried trees, timber, quarries, stone and lime; with courts and their dues; herezelds, fines and raids of women; with common pasturage, and free ish and entry; and with all other and sundry liberties, commodities, profits, easements and just pertinents thereof whatsoever, as well not named as named, under ground as above ground, far and near, belonging, or which may justly belong, in any manner, for the future, to the foresaid lands, with the pertinents, freely, quietly, fully, entirely,

plenarie integre honorifice bene et in pace cum furca fossa sok sac thole theme wert wrack wair weth vennysoun infangtheif outfangtheif pit et gallows sine aliquo impedimento revocatione contradictione aut obstaculo aliquali REDDENDO inde annuatim dictus Dominus Willielmus suique praedicti nobis et successoribus nostris unum denarium monetae Scotiae super solo dict terrarum aut alicujus partis earund ad festum Nativitatis Domini nomine albae firmae si petatur tantum Quasquidem totas et integras praenominatas terras spatia seu bondas insulas aliaque generalit et particularit supra expressa ut dictum est nos cum specialibus avisamento et consensu praedicto pro nobis et successoribus nostris ereximus et univimus tenoreque praesentis cartae nostrae erigimus et unimus in unum integrum et liberum Dominium de CANADA nuncupandum ad memoratum Dominum Willielmum Alexander suosque praedict haereditarie spectan et pertinen imperpetuum Nobis etiam tenore praesentis cartae nostrae gratiose placet quod quandocunque dictus Dominus Willielmus Alexander suique antedicti vel aliquis eorum hanc praesentem nostram cartam cum omnibus et singulis beneficialibus clausulis et conditionibus quae in dictis prioribus literis patentibus cartis seu diplomatibus de Nova Scotia renovari voluerit et desideraverit vel prout ipse sui antedicti vel eorum quilibet ex advocatorum consultatione aut speciali aliqua ulterioris seu certioris dictorum locorum seu bondarum fluviorum lacuum fretorum seu transituum aliorumque supra mentionat detectionis cognitione magis commodum et expediens videbitur tunc et in eo casu nos dict cartam praefato Domino Willielmo Alexander suisque antedictis in optima et amplissima quae comminisci poterit forma renovaturos et translaturos promittimus in verbo Principis Insuper nos tenore praesentis cartae nostrae cum avisamento et consensu praedict decernimus declaramus et ordinamus quod sasina per dict Dominum Willielmum Alexander suosve praedictos apud castrum nostrum de Edinburgh tanquam eminentissimum et principalem dicti regni nostri Scotiae locum aut super solo et fundo praefat terrarum bondarum et insularum vel cujuslibet earund partis ad placitum et libitum ejusdem Domini Willielmi suorumq praedict capienda omni tempore futuro sufficiens erit pro totis et integris praenominatis terris bondis insulis aliisque supra specificat aut aliqua parte seu portione earund et quod haeredes praefati Domini Willielmi suorumq praedict in omnibus et singulis praenominatis terris bondis insulis aliisq praedictis vel per praecepta e cancellaria dicti regni nostri Scotiae aut cancellaria per dictum Dominum Willielmum suosque antedictos in praefata regione et dominio de Canada instituenda pro libito sasiantur aut etiam prout haeredes sui per dictas priores suas concessiones in Nova Scotia sasiri possunt penes quod nos cum avisamento et consensu praedicto pro nobis et successoribus nostris dispensavimus tenoreque praesentis cartae nostrae dispensamus imperpetuum ac penes omnia et singula praenominata privilegia aliaque generalit et particularit supra mentionata Et praeterea fecimus et constituimus tenoreque praesentis cartae nostrae facimus et constituimus

et eorum quemlibet conjunctim et divisim balivos nostros in hac parte dan et conceden iis et eorum cuilibet nostram plenam potestatem et speciale warrantum statum et sasinam haereditariam parit et possessionem actualem realem et corporalem praefato Domino Willielmo Alexander suisque antedictis vel suis certis actornatis hanc praesentem cartam nostram habentibus seu producentibus dandi concedendi et deliberandi de omnibus et singulis praenominatis terris bondis fluviis lacubus insulis fretis seu transitibus aliisque

honourably, well and in peace, with gibbet, ditch, suit, liberty of pleas, toll, power of having servants, forestry, sea-wreck, ware, waif, venison; jurisdiction over thieves taken within and without the liberties; pit and gallows, without any impediment, revocation, contradiction or obstacle whatsoever; paying therefor yearly, the said Sir William, and his foresaids, to us and our successors, one penny, Scots money, upon the ground of the said lands, or any part thereof, at the Feast of the Nativity of our Lord, in name of blench farm, if asked only; which whole and entire forenamed lands, spaces or bounds, islands and others, generally and particularly, above expressed, as said is, we, with the special advice and consent foresaid, for us and our successors, have erected and united, and, by our present charter, erect and unite into one entire and free lordship for ever, to be called of Canada, heritably belonging and pertaining to the before-mentioned Sir William Alexander, and his foresaids; Also, we, by our present charter, are graciously pleased, that whensoever the said Sir William Alexander, and his foresaids, or any of them, shall wish and desire this our present charter to be renewed, with all and sundry beneficial clauses and conditions, as in the said prior charters or patents of Nova Scotia, or as he, his foresaids, or any of them, on consultation of counsel, or by any special examination towards the further or more certain discovery of the said places or bounds, rivers, lakes, arms of the sea or passages, and others above mentioned, shall see to be more advantageous and expedient, then, and in that case, we, on the word of a prince, promise, that we will renew and alter the said charter to the foresaid Sir William Alexander and his foresaids, in the best and most ample form that can be conceived: Moreover, we, by our present charter, with advice and consent foresaid, decern, declare and ordain, that seisin to be taken by the said Sir William Alexander, or his foresaids, at our Castle of Edinburgh, as the most eminent and principal place of our said kingdom of Scotland, or upon the soil and ground of the foresaid lands, bounds and islands, or any part thereof, at the pleasure and will of the said Sir William, and his foresaids, shall, in all time coming, be sufficient for all and whole the before-named lands, bounds, islands and others above specified, or any part or portion thereof; and that the heirs of the foresaid Sir William, and his foresaids, may be seised in all and sundry the before-named lands, bounds, islands and others foresaid, by precepts out of either the chancery of our said kingdom of Scotland, or the chancery to be instituted by the said Sir William, and his foresaids, in the aforesaid country and lordship of Canada, as they incline, or also as their heirs can be seised, by their said prior grants in Nova Scotia, as to which we, with advice and consent foresaid, for us and our successors, have dispensed, and, by our present charter, for ever dispense, and as to all and sundry the before-named privileges and others, generally and particularly above mentioned: And further, we have made and constituted, and, by our present charter, make and constitute,

and any of them, conjunctly and severally, our bailies in that part, giving and granting our full power and special warrant to them, and any one of them, for giving, granting and delivering to the foresaid Sir William Alexander, and his foresaids, or to their certain attornies, holding or producing this our present charter, heritable state and seisin, as well as actual, real and corporal possession of all and sundry the before-named lands, bounds, rivers, lakes, islands, arms of the sea, or passages, and others whatsoever, generally and particularly above expressed, of the said

quibuscunque generalit et particularit supra expressis dictae regionis et dominii de Canada apud dict castrum nostrum de Edinburgh vel super solo et fundo cujuslibet partis praedict terrarum et bondarum seu locorum vel utroque modo ad placitum dicti Domini Willielmi Alexander suorumque praedict mandan iisdem et eorum cuilibet quatenus visis praesentibus indilate statum et sasinam haereditariam parit et possessionem actualem realem et corporalem omnium et singularum praenominat terrarum locorum seu bondarum insularum fluviorum lacuum aliorumque praedict generalit et particularit supra express praefato Domino Willielmo Alexander suisque praedictis vel suis certis actornatis hanc praesentem cartam nostram habentibus seu producentibus super qualibet parte fundi dict terrarum vel apud castrum nostrum de Edinburgh vel utroque modo prout ipsi suisque praedictis melius apparebit dent tradant et deliberent seu aliquis eorum det tradat et deliberet per terrae et lapidis deliberationem praefato Domino Willielmo suisque antedictis vel eorum actornatis hanc praesentem nostram cartam habentibus seu producentibus apud dict castrum vel super solo et fundo dict terrarum aliorumq supra script vel utroque modo pro libito dicti Domini Willielmi suorumque praedictorum quamquidem sasinam ita per dictos nostros balivos in hac parte praefato Domino Willielmo suisque antedict vel eorum actornatis hanc praesentem cartam nostram habentibus seu producentibus tradendam nos pro nobis et successoribus nostris decernimus et ordinamus bonam legitimam validam et sufficientem fore in omni tempore futuro dispensando sicuti nos tenore praesentis cartae nostrae dispensamus penes omnia quae adversus eand objici possunt sive in forma sive in effectu Denique nos pro nobis et successoribus nostris cum avisamento et consensu praedict volumus decernimus declaramus et ordinamus hanc praesentem cartam nostram cum omnibus et singulis privilegiis libertatibus clausulis articulis et conditionibus supradictis in proximo nostro Parliamento regni nostri Scotiae seu quolibet alio ejusd regni Parliamento posthac tenendo ad libitum et placitum dicti Domini Willielmi Alexander suorumque praedict ratificandam approbandam et confirmandam roburque fortitudinem et efficaciam decreti ejusd supremi fori habituram ad quod faciendum nos pro nobis et successoribus nostris volumus et declaramus eand nostram cartam et clausulas inibi content sufficiens fore mandatum seu warrantum idem ita fieri et perfici promittentes in verbo Regis In cujus rei testimonium huic praesenti cartae nostrae magnum sigillum nostrum apponi praecepimus testibus in aliis a nostris consanguineis et consiliariis Jacobo marchione de Hamiltoun comite Arranie et Cantabrigie domino Aven et Innerdaill W^mo^ Mariscalli comite domino Keyth &c. regni nostri mariscallo George vicecomite de Duplin domino Hay de Kinfawins nostro concellario Thoma comite de Haddingtoun domino Bynning et Byres &c. nostri secreti sigilli custode dilectis nostris familiaribus consiliariis Dominis W^mo^ Alexander de Menstrie, n̄ro secretario principali Jacobo Hamiltoun de Magdalenis nostrorum rotulorum registri ac consilii clerico Georgio Elphingstoun de Blythiswod nostre justitiarie clerico et Joanne Scot de Scottistarvett militibus nostre cancellarie directore Apud regiam nostram de Whythall secundo die mensis Februarij anno Dni millesimo sexcentesimo vigesimo octavo et regni nostri tertio.

country and lordship of Canada, at our said Castle of Edinburgh, or upon the soil and ground of any part of the foresaid lands and bounds, or places, or in both manners, at the pleasure of the said Sir William Alexander, and his foresaids, commanding them, and any one of them, that, on sight of these presents, they, or any one of them, forthwith give and deliver heritable state and seisin, as well as actual, real and corporal possession of all and sundry the before-named lands, places or bounds, islands, rivers, lakes and others foresaid, generally and particularly above expressed, to the foresaid Sir William Alexander, and his foresaids, or to their certain attornies, holding or producing this our present charter, upon any part of the ground of the said lands, or at our Castle of Edinburgh, or in both manners, as shall appear to him and his foresaids best, by delivery of earth and stone to the foresaid Sir William Alexander, and his foresaids, or to their attornies, holding or producing this our present charter at the said Castle, or upon the soil and ground of the said lands and others above written, or in both manners, as the said Sir William, and his foresaids, incline, which seisin so to be delivered by our said bailies in that part to the foresaid Sir William, and his foresaids, or to their attornies, holding or producing this our present charter, we, for us and our successors, decern and ordain to be good, lawful, valid and sufficient in all time coming, dispensing, as we, by our present charter dispense, as to all that can be objected against the same, whether in form or in effect. Lastly, we, for us and our successors, with advice and consent foresaid, will, decern, declare and ordain this our present charter, with all and sundry privileges, liberties, clauses, and conditions, above mentioned, to be ratified, approved and confirmed, in our next Parliament of our kingdom of Scotland, or in any other Parliament of the said kingdom hereafter to be holden, at the will and pleasure of the said Sir William Alexander, and his foresaids, and to have the strength, force, and effect of a decree of that supreme court, which to do, we, for us and our successors, will and declare our said charter, and clauses therein contained, to be a sufficient mandate or warrant, promising, on the word of a King, that the same shall be so done and performed. In witness whereof, we have ordered our Great Seal to be appended to this our present charter, the witnesses being, as in other (charters,) our cousins and councillors, James, Marquess of Hamiltoun, Earl of Arran and Cambridge, Lord Aven and Innerdaill, William, Earl Marishal, Lord Keyth, &c., Marishal of our kingdom, George Viscount of Duplin, Lord Hay, of Kinfawins, our Chancellor, Thomas, Earl of Hadingtoun, Lord Bynning and Byres, &c., Keeper of our Privy Seal, our beloved familiar councillors, Sir William Alexander, of Menstrie, our principal Secretary, Sir James Hamiltoun, of Magdalenis, Clerk of our Rolls, Register, and Council, Sir George Elphingstoun of Blythiswode, our Justice Clerk, and Sir John Scot, of Scottistarvett, Director of our Chancery, Knights, at our palace of Whythall, the 2d day of February, anno Domini 1628, and the third of our reign.

General retour of the service of Alexander, Earl of Stirling, as heir of William, Earl of Stirling, 11th October 1830.

(Records, Register House, Edinburgh.)

No. VI.

Instrument of Seisin in favour of Alexander, Earl of Stirling and Dovan, of the Lands, Country and Lordship of Canada.

In Dei nomine, Amen. Per hoc praesens publicum instrumentum cunctis pateat evidenter et sit notum Quod anno incarnationis Domini millesimo octingentesimo et trigesimo primo mensis vero Julii die octavo regnique serenissimi domini nostri Gulielmi Quarti Dei gratia Britanniarum regis fideique defensoris anno secundo, In mei notarii publici et testium subscribentium praesentia personaliter comparuit Ephraim Lockhart scriba signeto regio tanquam procurator et actornatus pro ac in nomine praehonorabilis Alexandri Comitis de Stirling et Dovan, Vicecomitis de Stirling et Canada Domini Alexander de Tullibodie et cetera adnepotis et haeredis quondam Domini Willielmi Alexander militis primi Comitis de Stirling specialiter constitutus cujus procuratoriae potestas mihi notario publico subscribenti lucide constabat et ibidem etiam accessit Thomas Christophorus Banks armiger residen. in No. 19. lie Duke Street Edinburgh balivus in hac parte specialiter constitutus virtute cartae subtus mentionat. ac praecepti sasinae inibi content. ad Castrum de Edinburgh quodquidem Castrum est locus pro danda sasina terrarum aliorumque subscriptorum virtute unionis et dispensationis in dict. carta et praecepto sasinae subscripto content. habens dict. actornatus et tenens in ejus manibus quoddam extractum registratae cartae fact. dat. et concess. per Carolum Magnae Britanniae Franciae et Hiberniae regem sub suo magno sigillo praeceptumque sasinae in eadem continen. pro sasina danda praefato Domino Willielmo Alexander suo Haereditario Locumtenenti regionis et dominii Novae Scotiae in America haeredibus suis et assignatis haereditarie imperpetuum omnium et singularum insularum intra sinum Canadae jacentium inter Novam Scotiam et Terram Novam ad ostium et introitum magni fluminis Canadae ubi decidit et intrat in dictum sinum (includendo inibi magnam insulam Anticosti) : Necnon omnium et singularum insularum intra dictum fluvium Canadam jacentium a dicto ostio et introitu ad caput usque primum ortum et scaturiginem ejusd. ubicunque sit aut lacum unde fluit (qui putabatur esse versus magnum sinum Californiae a quibusdam Mare Vermeis nuncupatum) aut intra quosvis alios fluvios in dictum fluvium Canadam defluentes vel in quibuscunque lacubus aquis sive fretis per quae vel dictus magnus fluvius Canada vel aliqui alii dict. fluviorum decurrunt aut in quibus exeunt : Ac praeterea quinquaginta leucarum bondarum ab utroque latere antedicti fluvii Canadae a dicto ostio et introitu ad dictum caput fontem et scaturiginem ejusd. necnon ab utroque latere dict. aliorum fluviorum in eund. defluentium ; ac etiam ab utroque latere dictorum lacuum fretorum seu aquarum per quas quilibet dictorum fluviorum decurrunt aut in quibus exeunt : Et similiter totarum et integrarum bondarum et transituum tam in aquis quam in terra a praedicto capite fonte et scaturigine Canadae ubicunque sit aut a quocunque lacu unde labitur ad praefatum sinum Californiae quantacunque comperta fuerit esse distantia ; cum quinquaginta leucis omnimodo ab utroque latere ejusd. transitus ante dictum caput Canadae et sinum Californiae ; et

No. VI.

Instrument of Seisin in favour of Alexander, Earl of Stirling, &c. of Canada.

In the name of God, Amen. Be it known to all men by this present public instrument, That on the 8th day of July, in the year of our Lord 1831, and of the reign of our sovereign lord, William the Fourth, by the grace of God of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, the second year, In presence of me, notary-public, and the witnesses subscribing, appeared personally Ephraim Lockhart, writer to his Majesty's signet, as procurator and attorney, specially constituted, for and in name of the Right Honourable Alexander, Earl of Stirling and Dovan, Viscount of Stirling and Canada, Lord Alexander of Tullibodie, &c. great-great-great grandson and heir of the deceased Sir William Alexander, Knight, the first Earl of Stirling, whose power of procuratory was sufficiently known to me, the undersigned notary-public; and there also appeared Thomas Christopher Banks, Esquire, residing in No. 19. Duke Street, Edinburgh, bailie in that part specially constituted, in virtue of the charter under mentioned, and precept of seisin therein contained, to the Castle of Edinburgh, the place for giving seisin of the lands and others under written, in virtue of the union and dispensation contained in the said charter and precept of seisin under written; the said attorney having and holding in his hands a certain extract registrate charter, made, given and granted by Charles, King of Great Britain, France and Ireland, under his Great Seal, containing therein the precept of seisin for giving to the foresaid Sir William Alexander, his Majesty's Hereditary Lieutenant of the country and lordship of Nova Scotia in America, and his heirs and assigns, heritably for ever, seisin of all and sundry islands lying within the gulf of Canada, between Nova Scotia and Newfoundland, at the mouth and entrance of the great river Canada, where it falls and enters into the said gulf, (including therein the great island Anticosti): Also of all and sundry islands lying within the said river Canada, from the said mouth and entrance up to the head, first rise and source thereof, wheresoever it is, or the lake whence it flows, (which was thought to be towards the great bay of California, called by some the Vermilion Sea,) or within any other rivers falling into the said river Canada, or in whatsoever lakes, waters, or straits, by which either the said great river Canada or any of the said other rivers pass, or in which they run out: And further, of fifty leagues of bounds on both sides of the aforesaid river Canada, from the said mouth and entrance to the said head, spring and source thereof; also on both sides of the said other rivers falling thereinto; as also on both sides of the said lakes, straits or waters by which any of the said rivers pass, or in which they terminate: And likewise, of all and whole the bounds and passages, as well on the waters as on the land, from the foresaid head, spring and source of the river Canada, wheresoever it is, or whatsoever lake it has its course from, to the foresaid bay of California, whatsoever shall be found to be the distance; with fifty leagues altogether on both sides of the said passage over against the said head of the river Canada and bay of California; and like-

similiter OMNIUM et SINGULARUM insularum intra eund. sinum Californiae jacentium ; ac etiam TOTARUM et INTEGRARUM terrarum et bondarum eidem sinui ab occidente et austro adjacen. sive experiantur pars continentis sive terrae firmae sive insula (ut putabatur esse) quae Californiae nomine vulgo nuncupabatur et indigitabatur : Insuper OMNIUM et SINGULARUM aliarum terrarum bondarum lacuum fluviorum fretorum silvarum forestarum aliorumque per ipsum praefat. Dominum Willielmum Alexander suosve successores eorum participes associatos aut alios eorum nomine seu potestatem ab his habentes quocunque tempore futuro inveniendorum conquerendorum seu detegendorum super utroque latere integrarum bondarum et transitus antedict. ab ostio et introitu dicti fluvii Canadae ubi in dictum sinum Canadae se exonerat ad dictum sinum Californiae aut insulas in maribus eidem adjacentibus, quae per alios subditos dicti regis aut subditos alterius alicujus Christiani principis seu ordinum cum dicto rege in foedere et amicitia constitutorum hactenus realit. et actualit. possessa non erant : CUM PLENA ET ABSOLUTA POTESTATE ipsi dicto Domino Willielmo Alexander suisque praedict (nullisque aliis) eorum factoribus servis et aliis eorum nomine colonias stabiliendi ac utendi commercio in praenominatis locis seu bondis vel qualibet earund. parte particulariter designat. omnesque alios ab eisdem arcendi seu prohibendi ; nec non proportiones terrarum earund. cuicunque personae seu quibuscunque personis prout sibi commodum videbitur elocandi ac super eisdem terminis conditionibus restrictionibus et observationibus intra omnes praenominatas bondas sicut in Nova Scotia per quascunque literas patentes seu diplomata ipsi per quond. patrem dict. regis vel dict. regem ipsum concess. facere potuit, cum talibus etiam et tantis privilegiis libertatibus et immunitatibus in omnibus praedictis locis seu bondis insulis aliisque supra scriptis tam in mari aqua dulci quam in terra quales quantasque dictus Dominus Willielmus Alexander habebat in Nova Scotia per priores suas literas patentes seu diplomata de Nova Scotia ; quaequidem privilegia in dictis prioribus literis patentibus contenta et unumquodque eorum adeo sufficientia et valida fore ordinan. ac si singula in dict. carta particulariter et sigillatim concessa et expressa fuissent de verbo in verbum ejusdemque omnimodo roboris fortitudinis et efficaciae fore volen. penes quorum particularem in dict. carta non insertionem dispensan. imperpetuum : Per quam cartam etiam ordinatur et declaratur quod ea nullatenus esset praejudicabilis nec derogativum quibuscunque juribus cartis seu diplomatibus praefato Domino Willielmo Alexander suisve antedictis de aut super Nova Scotia quocunque tempore datam ejusd. cartae praecedente concessis aut alicui capiti clausulae articulo seu conditioni in eisdem expressis ; ac etiam sine praejudicio prioris alicujus literae patentis per dict. regem quibuscunque Baronettis intra Scotiam de regione Novae Scotiae concess. seu concedend. quovis tempore futuro : Et dict. rex specialiter prohibuit et vetavit omnes et singulos suos subditos cujuscunque gradus seu conditionis in quolibet suorum regnorum seu dominiorum ne ullam facerent plantationem nec ullo uterentur commercio in dictis locis seu bondis sinubus fluviis lacubus insulis et fretis supra scriptis aut in aliqua eorund. parte absque specialibus avisamento licentia et consensu praefati Domini Willielmi Alexander suorumve praedictorum ; ac cum speciali potestate dicto Domino Willielmo Alexander suisque praedictis attachiandi arrestandi et deprehendi omnes et singulas personas quae negotiari et commercio uti in aliqua dictorum

wise of ALL and SUNDRY islands lying within the said bay of California; as also of ALL and WHOLE the lands and bounds adjacent to the said bay on the west and south, whether they be found a part of the continent or main land, or an island, (as it was thought to be,) which was commonly called and distinguished by the name of California: Moreover, of ALL and SUNDRY other lands, bounds, lakes, rivers, straits, woods, forests and others that shall have been explored, conquered or discovered at any time to come by him the foresaid Sir William Alexander, or his successors, their confederates, associates, or others in their name, or having power from them, upon both sides of the whole bounds and passage aforesaid, from the mouth and entrance of the said river Canada, where it discharges itself into the said gulf of Canada, to the said bay of California, or islands in the seas thereto adjacent, which were not heretofore really and actually possessed by others, either the subjects of his said Majesty, or the subjects of any other Christian prince or constituted orders in alliance and friendship with his Majesty: WITH FULL AND ABSOLUTE POWER to him the said Sir William Alexander, and his foresaids, (and to no others,) their stewards, servants, and others in their name, of planting colonies and engaging in trade in the before-named places or bounds, or any part of them particularly marked out, and of expelling or debarring all others from the same; also of allocating proportions of the lands thereof to whatsoever person or persons shall seem to him fit, and upon the same terms, conditions, restrictions and regulations within all the forenamed bounds, as he could do in Nova Scotia, by whatsoever charters or patents granted to him by his said Majesty's father, or his Majesty himself, also with such and as great privileges, liberties and immunities in all the foresaid places or bounds, islands and others above written, as well in the sea and fresh water as on land, as the said Sir William Alexander had in Nova Scotia by his prior charters or patents of Nova Scotia; which privileges, contained in the said prior charters and every one of them, his said Majesty ordained to be equally sufficient and valid, and willed to be altogether of the same strength, force and effect, as if they had severally been particularly and one by one granted and set forth word for word in the said charter, as to the not particular insertion of which in the said charter his said Majesty for ever dispensed: By which charter also it is ordained and declared, that it should in nowise be prejudicial or derogatory to whatsoever rights, charters or patents granted to the foresaid Sir William Alexander, or his aforesaid, of or concerning Nova Scotia, at whatsoever time preceding the date of the said charter, or to any head, clause, article or condition therein set forth; as also, that it should be without prejudice to any prior charter granted by his said Majesty, or to be granted at any time to come, to whatsoever Baronets within Scotland of the country of Nova Scotia: And his said Majesty specially prohibited and debarred all and sundry his subjects, of every degree or condition, in any of his kingdoms or dominions, from making any plantation, or engaging in any trade in the said places or bounds, bays, rivers, lakes, islands and straits above written, or in any part thereof, without the special advice, permission and consent of the foresaid Sir William Alexander, or his foresaids; and with special power to the said Sir William Alexander, and his foresaids, of seizing, taking and apprehending all and sundry persons who shall be found to be in business and engaged in trade in any part

locorum seu bondarum parte contra dict. prohibitionem inventae fuerint eorumque naves et bona confiscandi ac desuper in suos proprios usus pro libito disponendi absque ullo computo seu ratione de eisd. vel aliqua eorund. parte reddendo quomodolibet ; omniaque alia adeo libere et large in omnibus intentionibus propositis et instructionibus faciendi intra totas et integras praenominatas bondas seu spatia sicut praefatus Dominus Willielmus Alexander suique praedicti intra dictam regionem Novae Scotiae seu dictum regnum Scotiae fecisse potuerunt virtute cujuslibet dictarum literarum patentium priarum cartarum seu diplomatum : QUAEQUIDEM totae et integrae terrae spatia seu bondae insulae aliaque supra expressa erect. sunt et unit. in unum integrum et liberum dominium de Canada nuncupandum ad memoratum Dominum Willielmum Alexander suosque praedict. haereditarie spectan. et pertinen. imperpetuum ; ordinan. sasinam per dict. Dominum Willielmum Alexander suosve praedictos apud dict. Castrum de Edinburgh aut super solo et fundo praefat. terrarum bondarum et insularum vel cujuslibet earund. partis capiendam omni tempore futuro sufficientem fore pro totis et integris praenominatis terris bondis insulis aliisque supra specificat. aut aliqua parte seu portione earund. penes quod dispensan. imperpetuum ; prout in dict. carta praeceptoque sasinae in fine ejusd. inserto comprehenden. diversas alias clausulas latius continetur : AC ETIAM HABENS actornatus praedict. et TENENS in ejus manibus quendam generalem retornatum deservitionis praenominati Alexandri Comitis de Stirling et cetera tanquam propinquioris et legitimi haeredis praefati Domini Willielmi Alexander primi Comitis de Stirling sui atavi expedit. coram balivis regalitatis burgi vici Canonicorum prope Edinburgh undecimo die mensis Octobris anno Domini millesimo octingentesimo et trigesimo et debite ad capellam regiam retornat. HABENS atque quendam specialem retornatum deservitionis dicti Alexandri Comitis de Stirling et cetera tanquam propinquioris et legitimi haeredis antedict. expedit. coram vicecomite substituto vicecomitatus de Edinburgh secundo die mensis Julii anno prius supra scripto et similiter ad dict. capellam retornat. ; quae deservitio generalem deservitionem includit ejusdem generis et characteris ; per utram quarum deservitionum dict. Alexander Comes de Stirling et cetera inivit jus ad praedict. cartam et ad praeceptum sasinae nondum execut. omnesque alias clausulas in se content. prout in retornatibus dict. deservitionum respective item continetur ; QUODQUIDEM extractum cartae cum dict. retornatibus actornatus praedict. exhibuit et dict. balivo in hac parte ut praefertur legitime constituto obtulit eumque rogavit ut mandatum et officium per dict. praeceptum sasinae sibi commissa debite praestaret ; QUEMQUE ROGATUM dict. balivus percipiens esse justum rationique consonan. dict. extractum cartae et retornatus in manibus suis recepit et mihi notario publico tradidit testibus astantibus perlegend. publicand. et in vulgari sermone explicand. QUOD feci et cujus praecepti sasinae in dict. extracto cartae content. tenor sequitur et est talis : ‘ ET preterea fecimus et constituimus tenoreque presentis carte ‘ nostre facimus et constituimus

‘ et eorum quemlibet conjunctim et divisim balivos nostros in hac parte dan. et conceden. ‘ iis et eorum cuilibet nostram plenam potestatem et speciale warrantum statum et sasi-

of the said places or bounds contrary to the said prohibition, and of confiscating their ships and goods, and disposing thereof at pleasure to their own proper uses, without rendering any count or reckoning in any manner for the same, or any part thereof; and of doing all other things within all and whole the forenamed bounds or spaces, as freely and fully to all intents, purposes and ends as the foresaid Sir William Alexander, and his foresaids, could have done within the said country of Nova Scotia, or the said kingdom of Scotland, in virtue of any of the said letters-patent, prior charters or patents: ALL and whole which lands, spaces or bounds, islands and others above set forth, were erected and united into one whole and free lordship, to be called of Canada, belonging and pertaining to the before-mentioned Sir William Alexander, and his foresaids, heritably for ever; ordaining seisin at the said Castle of Edinburgh, or upon the soil and ground of the foresaid lands, bounds and islands, or any part thereof, to be taken by the said Sir William Alexander, or his foresaids, to be in all time to come sufficient for all and whole the forenamed lands, bounds, islands, and others above specified, or any part or portion thereof, as to which his said Majesty for ever dispensed; as in the said charter and precept of seisin inserted in the end thereof, comprehending divers other clauses, is more fully contained: As ALSO the foresaid attorney HAVING and HOLDING in his hands a certain general retour of the service of the before-named Alexander, Earl of Stirling, &c. as nearest and lawful heir of the foresaid Sir William Alexander, the first Earl of Stirling, his great-great-great grandfather, expede before the bailies of the borough of Canongate, near Edinburgh, the 11th day of October, anno Domini 1830, and duly retoured to his Majesty's chancery; and HAVING a certain special retour of the service of the said Alexander, Earl of Stirling, &c. as nearest and lawful heir aforesaid, expede before the Sheriff-substitute of the sheriffdom of Edinburgh, the 2d day of July in the year first above written, and likewise retoured to the said chancery; which service includes a general service of the same kind and character; by either of which services the said Alexander, Earl of Stirling, &c. acquired right to the foresaid charter, and to the precept of seisin still unexecuted, and all the other clauses therein contained; as in the retours of the said services respectively is also contained; WHICH extract charter, with the said retours, the foresaid attorney exhibited and presented to the said bailie in that part, lawfully constituted as is before stated, and desired him duly to execute the command and office committed to him by the said precept of seisin; WHICH DESIRE the said bailie finding to be just and reasonable, he received the said extract charter and retours into his hands, and delivered them to me, notary-public, to be read, published and explained in the common speech to the witnesses present; WHICH I did, and of which precept of seisin, contained in the said extract charter, the tenor follows in these words: 'AND further, we have made and constituted, and by the tenor of our present 'charter we make and constitute

'and any one of them, jointly and severally, our bailies in that part, giving and granting 'to them, and any one of them, our full power and special warrant for giving, granting

‘ nam hereditariam parit et possessionem actualem realem et corporalem prefato Domino
‘ Willielmo Alexander suisque antedictis vel suis certis actornatis hanc presentem car-
‘ tam nostram habentibus seu producentibus dandi concedendi et deliberandi de omni-
‘ bus et singulis prenominatis terris bondis fluviis lacubus insulis fretis seu transitibus
‘ aliisque quibuscunque generalit. et particularit. supra expressis dicte regionis et do-
‘ minii de Canada apud dict. Castrum nostrum de Edinburgh vel super solo et fundo
‘ cujuslibet partis predict. terrarum et bondarum seu locorum vel utroque modo ad pla-
‘ citum dicti Domini Willielmi Alexander suorumque predict. mandan. iisdem et eorum
‘ cuilibet quatenus visis presentibus indilate statum et sasinam hereditariam parit et pos-
‘ sessionem actualem realem et corporalem omnium et singularum prenominat. terrarum
‘ locorum seu bondarum insularum fluviorum lacuum aliorumque predict. generalit. et
‘ particularit. supra express. prefato Domino Willielmo Alexander suisque predictis vel
‘ suis certis actornatis hanc presentem cartam nostram habentibus seu producentibus
‘ super qualibet parte fundi dict. terrarum vel apud Castrum nostrum de Edinburgh vel
‘ utroque modo prout ipsi suisque predictis melius apparebit dent tradant et deliberent
‘ seu aliquis eorum det tradat et deliberet per terre et lapidis deliberationem prefato
‘ Domino Willielmo suisque antedictis vel eorum actornatis hanc presentem nostram
‘ cartam habentibus seu producentibus apud dict. Castrum vel super solo et fundo dict.
‘ terrarum aliorumq. supra script. vel utroque modo pro libito dicti Domini Willielmi
‘ suorumque predictorum quamquidem sasinam ita per dictos nostros balivos in hac parte
‘ prefato Domino Willielmo suisque antedict. vel eorum actornatis hanc presentem car-
‘ tam nostram habentibus seu producentibus tradendam nos pro nobis et successoribus
‘ nostris decernimus et ordinamus bonam legitimam validam et sufficientem fore in omni
‘ tempore futuro dispensando sicuti nos tenore presentis carte nostre dispensamus penes
‘ omnia que adversus eand. objici possunt sive in forma sive in effectu : Denique nos
‘ pro nobis et successoribus nostris cum avisamento et consensu predict. volumus decer-
‘ nimus declaramus et ordinamus hanc presentem cartam nostram cum omnibus et sin-
‘ gulis privilegiis libertatibus clausulis articulis et conditionibus supradictis in proximo
‘ nostro Parliamento regni nostri Scotie seu quolibet alio ejusd. regni Parliamento post-
‘ hac tenendo ad libitum et placitum dicti Domini Willielmi Alexander suorumque
‘ predict. ratificandam approbandam et confirmandam roburque fortitudinem et effica-
‘ ciam decreti ejusd. supremi fori habituram ; ad quod faciendum nos pro nobis et suc-
‘ cessoribus nostris volumus et declaramus eand. nostram cartam et clausulas inibi con-
‘ tent. sufficiens fore mandatum seu warrantum idem ita fieri et perfici promittentes in
‘ verbo Regis. In cujus rei testimonium huic praesenti carte nostre magnum sigillum
‘ nostrum apponi precepimus, testibus in aliis a nostris consanguineis et consiliariis Ja-
‘ cobo Marchione de Hamiltoun Comite Arranie et Cantabrigie Domino Aven et In-
‘ nerdaill W^mo^ Mariscalli Comite Domino Keyth &c. regni nostri mariscallo George
‘ Vicecomite de Duplin Domino Hay de Kinfawins nostro cancellario Thoma Comite
‘ de Hadingtoun Domino Bynning et Byres &c. nostri secreti sigilli custode dilectis
‘ nostris familiaribus consiliariis Dominis W^mo^ Alexander de Menstrie n̄ro secretario
‘ principali Jacobo Hamiltoun de Magdalenis nostrorum rotulorum registri ac consilii
‘ clerico Georgio Elphingstoun de Blythiswod nostre justitiarie clerico et Joanne Scot

'and delivering to the foresaid Sir William Alexander, and his aforesaid, or to their 'certain attornies, having or producing this our present charter, heritable state and 'seisin, and also actual, real and corporal possession of all and sundry the forenamed 'lands, bounds, rivers, lakes, islands, straits or passages, and others whatsoever, generally 'and particularly above set forth, of the said country and lordship of Canada, at our said 'Castle of Edinburgh, or upon the soil and ground of any part of the foresaid lands 'and bounds or places, or in both manners, at the pleasure of the said Sir William 'Alexander, and his foresaids, commanding them, and any one of them, that on sight 'hereof they, or any one of them, forthwith give and deliver heritable state and seisin, 'and also actual, real and corporal possession of all and sundry the forenamed lands, 'places or bounds, islands, rivers, lakes and others foresaid, generally and particularly 'above set forth, to the foresaid Sir William Alexander, and his foresaids, or to their 'certain attornies, having or producing this our present charter, upon any part of the 'ground of the said lands, or at our Castle of Edinburgh, or in both manners, as shall 'appear best to him and his foresaids, by delivery of earth and stone to the foresaid 'Sir William, and his aforesaid, or to their attornies, having or producing this our 'present charter at the said Castle, or upon the soil and ground of the said lands 'and others above written, or in both manners, at the pleasure of the said Sir 'William, and his foresaids; which seisin so to be given by our said bailies in that 'part to the foresaid Sir William, and his aforesaid, or to their attornies having or 'producing this our present charter, we, for us and our successors, decree and or-'dain to be good, lawful, valid and sufficient in all time coming, dispensing, like as 'we, by the tenor of our present charter, dispense, as to all that can be objected 'against the same, whether in form or in effect: Finally, we, for us and our successors, 'with advice and consent foresaid, will, decree, declare and ordain, that this our pre-'sent charter, with all and sundry privileges, liberties, clauses, articles and conditions 'above mentioned, be ratified, approved and confirmed in our next Parliament of our 'kingdom of Scotland, or, at the will and pleasure of the said Sir William Alexander, 'and his foresaids, in any other Parliament of the said kingdom hereafter to be holden, 'to have the strength, force and effect of a decree of that supreme court; for doing 'which, we, for us and our successors, will and declare our said charter, and the clauses 'therein contained, to be a sufficient mandate or warrant, promising, on the word of a 'King, the same shall be so done and performed. In witness whereof we have ordered 'our Great Seal to be appended to this our present charter, before witnesses, as in 'others, our cousins and counsellors, James Marquess of Hamiltoun, Earl of Arran and 'Cambridge, Lord Aven and Innerdaill, William, Earl Marischal, Lord Keyth, &c. 'marischal of our kingdom, George Viscount Duplin, Lord Hay of Kinfawins, our 'chancellor, Thomas Earl of Hadingtoun, Lord Bynning and Byres, &c. keeper of 'our Privy Seal, our beloved familiars and counsellors Sir William Alexander of Men-'strie, our principal secretary, Sir James Hamiltoun of Magdalenis, clerk of our rolls, 'register and council, Sir George Elphinstoun of Blythiswod, our justice-clerk, and Sir

'de Scottistarvett militibus nostre cancellarie directore; apud regiam nostram de 'Whythall secundo die mensis Februarij anno Dni millesimo sexcentesimo vigesimo 'octavo et regni nostri tertio.' Post quorumquidem extracti cartae preceptique sasinae et retornatuum PERLECTIONEM PUBLICATIONEM et in vulgari sermone testibus astantibus EXPLICATIONEM praefatus Thomas Christophorus Banks balivus in hac parte antedict. iterum dict. extractum cartae et retornatus in manibus suis recepit ac virtute et vigore eorund. et officii baliatus sibi commis. statum et sasinam haereditariam pariter et possessionem actualem realem et corporalem memorato Alexandro Comiti de Stirling et cetera haeredi antedict. pro se haeredibus suis et assignatis OMNIUM et SINGULARUM praenominat. terrarum bondarum fluviorum lacuum insularum fretorum seu transituum aliorumque quorumcunque generaliter et particulariter supra express. dictae regionis et dominii de Canada secundum tenorem antedict. cartae unionis et dispensationis in eadem content. ac dicti praecepti sasinae supra insert. in omnibus per terrae et lapidis fundi dicti Castri traditionem et deliberationem in manibus dict. Ephraim Lockhart actornati praedict. pro ac in nomine memorati Alexandri Comitis de Stirling et cetera DEDIT TRADIDIT pariter et DELIBERAVIT: SUPER QUIBUS omnibus et singulis praemissis actornatus praedict. a me notario publico sibi fieri petivit instrumenta. ACTA ERANT HAEC apud dictum Castrum de Edinburgh intra exteriorem portam ibidem virtute unionis et dispensationis antedict. horam inter undecimam ante meridiem et ipsum meridiem die mensis anno incarnationis et S. D. N. Regis regni quibus supra, PRAESENTIBUS Davide Byars clerico in camera clerici vicecomitatus de Edinburgh et Gulielmo Wilson scriba ibidem testibus ad praemissa specialiter rogatis et requisitis ac hocce publicum instrumentum mecum subscriben.

Verum crede.
JN. M'GREGOR, N. P.
Dav. Byars, witness.
Wm. Wilson, witness.

ET ego vero Joannes M'Gregor clericus Edinburgensis dioceseos ac notarius publicus auctoritate regali ac per Dominos Concilii et Sessionis secundum tenorem acti Parliamenti admissus quia praemissis omnibus et singulis dum sic ut praemittitur dicerentur agerentur et fierent una cum praenominatis testibus praesens personaliter interfui eaque omnia et singula praemissa sic fieri et dici vidi scivi et audivi ac in notam cepi ideoque hoc praesens publicum instrumentum manu aliena super hanc et duas praecedentes paginas pergamenae debite impressae fideliter scriptum exinde confeci ac in hanc publici instrumenti formam redegi signoque nomine et cognomine meis solitis et consuetis signavi et subscripsi in fidem robur et testimonium veritatis omnium et singulorum praemissorum rogatus et requisitus.

J. M'G. *N. P.*

At Edinburgh, the twelfth day of August one thousand eight hundred and thirty-one years, this sasine was presented by Ephraim Lockhart, writer to the signet, and is recorded in the one thousand six hundred and forty-sixth book of the new General Register of Sasines, Reversions, &c. and on the 111, 112, 113, 114, 115, 116, 117, 118 and 119th leaves thereof, conform to the act of Parliament made thereanent in June 1617, by me, depute-keeper of said Register.

AR. WISHART.

'John Scott of Scottistarvett, director of our chancery, Knights; at our palace of 'Whythall, the 2d day of February, in the year of our Lord 1628, and of our 'reign the third.' AFTER READING, PUBLISHING, and EXPLAINING which extract charter, and precept of seisin and retours, in the common speech, to the witnesses present, the foresaid Thomas Christopher Banks, bailie in that part aforesaid, again received the said extract charter and retours into his hands; and, in virtue and by the strength of the same, and of the office of bailiary committed to him, GAVE and DELIVERED to the before-mentioned Alexander Earl of Stirling, &c. heir aforesaid, for himself, his heirs and assigns, heritable state and seisin, and also actual, real, and corporal possession of ALL and SUNDRY the forenamed lands, bounds, rivers, lakes, islands, straits or passages, and others whatsoever, generally and particularly above expressed, of the said country and lordship of Canada, after the tenor of the aforesaid charter, the union and dispensation contained in the same, and the said precept of seisin above inserted, in all points, by delivery of earth and stone of the ground of the said Castle into the hands of the said Ephraim Lockhart, attorney foresaid, for, and in name of, the before-mentioned Alexander Earl of Stirling, &c. WHEREUPON, and upon all and sundry the premises, the foresaid attorney asked instruments from me, notary-public. THESE THINGS WERE SO DONE at the said Castle of Edinburgh, within the outer gate there, in virtue of the union and dispensation aforesaid, between the hours of eleven forenoon, and twelve noon, on the day of the month in the year of our Lord, and of the reign of our sovereign lord the King, above written, IN PRESENCE of David Byars, clerk in the office of the sheriff-clerk of Edinburgh, and William Wilson, writer there, witnesses to the premises specially called and required, and this public instrument with me subscribing.

AND I truly, John M'Gregor, clerk of the diocese of Edinburgh, and notary-public, by royal authority, and by the Lords of Council and Session, according to the tenor of the act of Parliament admitted, because at all and sundry the premises, whilst they were, as is before stated, so said, done, and performed, I was, together with the before-named witnesses, personally present, and all and sundry the premises I saw, knew, and heard so performed and said, and took a note of them; therefore I, being called and required, prepared therefrom this present public instrument, by another hand, upon this and the two foregoing pages of parchment, duly stamped, faithfully written, and have rendered it in this form of a public instrument; and in faith, corroboration and testimony of the truth of all and sundry the premises, have signed and subscribed the same with my sign, name and surname, used and wont.

Verum crede.
JN. M'GREGOR, N. P.

Dav. Byars, witness,
Wm. Wilson, witness.

No. VII.

Precept of Charter of Resignation, Confirmation, &c. in favour of William Earl of Stirling, and William Lord Alexander, &c. of the Earldom of Dovan.

Carolus, &c.—Quia, &c. Dedimus concessimus et disponimus nec non tenore presentium cum avisamento et consensu predict. damus concedimus et disponimus predilecto nostro consanguineo ac consiliario Willielmo Comiti de Stirling Domino Alexander de Tillibodie nostri Secretarij infra hoc dictum regnum nostrum Scotiæ in vitali redditu duran. omnibus sue vitæ diebus ac dilecto nostro consanguineo et consiliario Willielmo Domino Alexander ejus filio legittimo natu maximo et heredibus suis masculis de corpore suo legittime procreatis vell procreandis quibus deficientibus heredibus masculis dicti Willielmi Comitis de Stirling et assignatis quibuscunque Omnes et singulas terras baronias aliaque particulariter subscript. viz. Totas et integras terras et baroniam de Tillibodie cum tenentibus tenandriis et libere tenentium servitiis earundem molendinis multuris silvis carbonibus carbonarus partibus pendiculis annexis connexis dependentiis et singulis suis pertinen. Ac totas et integras terras de Banchrie cum domibus edificiis hortis loftis croftis partibus pendiculis et suis pertinen. quæ sunt partes et pertinen. dictarum terrarum baronie de Tillibodie et totam et integram salmonum piscationem super aqua de Dovan jacen. ante et prope predictas terras viz. ab aqua de Forth ad lie Cobilcruik dictæ acquæ de Dovan cum potestate illis habendi (*lie* cruives) infra bondas predictas et iisdem vtendi cum omnibus privilegiis libertatibus et commoditatibus ad easdem pertinen. et spectan. omnes vnit. ad dictam baroniam jacen infra vicecomitatum nostrum de Clakmannan ac omnes perprius vnit. annexat. erect. et incorporat. in vnam integram et liberam baroniam Baroniam de Tillibodie nuncupat. Necnon totas et integras terras et baroniam de Tullicultrie viz. terras de Balhart Drummy Schannoche Cosnachtoune Colunisdannache cum molendino granario Cairntoun cum molendino fullonio Ellokis Dauok et Hawis Dauok terras de Hiltoun et montem de Tullicultrie cum turre fortalicio maneriei loco domibus edificiis hortis pomariis partibus pendiculis et pertinen. earundem quibuscunque jacen. infra dictum vicecomitatum nostrum de Clakmannan Ac etiam totas et integras terras de Wester Tullicultrie cum monte ejusdem molendino terris molendinariis astrictis multuris cum pertinen. earundem jacen. infra vicecomitatum predict. et similiter carbones de presenti super dictis terris existen. cum omnibus necessariis operibus et instrumentis ejusdem ad easdem spectan. cum omni vtilitate commoditate et beneficio earundem et omnia ad dictum opus carbonarium pertinen. Necnon totam et integram ecclesiam de Tullicultrie rectoriam et vicariam ejusdem ac etiam totas et integras illas decem acras terrarum et glebam terrarum ecclesiasticarum de Tullicultrie cum domibus edificiis et pertinen. earundem que per abbates et conventum de Cambuskenneth

No. VII.

Privy Seal Precept of the Earldom of Dovan, 1637.

CHARLES, &c.—Forasmuch as, &c. we have given, granted, and disponed, and by these presents, with advice and consent foresaid, give, grant, and dispone, to our well-beloved cousin and counsellor, William Earl of Stirling, Lord Alexander of Tullibodie, our Secretary within this our kingdom of Scotland, in liferent during all the days of his life, and to our beloved cousin and counsellor, William Lord Alexander, his eldest lawful son, and his heirs-male lawfully procreate or to be procreate of his body, whom failing, to the heirs-male and assignees whatsoever of the said William Earl of Stirling, All and sundry the lands, baronies, and others particularly underwritten, viz. All and whole the lands and barony of Tullibodie, with tenants, tenandries, and services of free tenants thereof, mills, multures, woods, coal, coalheughs, parts, pendicles, annexes, connexes, dependencies, and their sundry pertinents; And all and whole the lands of Banchrie, with houses, buildings, yards, tofts, crofts, parts, pendicles, and their pertinents, which are parts and pertinents of the said lands and barony of Tullibodie; and all and whole the salmon fishing upon the water of Dovan, lying opposite and near to the foresaid lands, viz. from the water of Forth to the Cobilcruik of the said water of Dovan, with power to them of having cruives within the bounds foresaid, and using the same, with all privileges, liberties, and commodities pertaining and belonging thereto, all united to the said barony, lying within our sheriffdom of Clakmannan, and all formerly united, annexed, erected, and incorporated into one entire and free barony called the Barony of Tullibodie; And also, all and whole the lands and barony of Tullicultrie, viz. the lands of Balhart, Drummy, Schannoche, Cosnachtoune, Colunisdannache with the corn mill, Cairntoun with the waulk mill, Ellokis Dauok and Hawis Dauok, the lands of Hiltoun and hill of Tullicultrie, with the tower, fortalice, manor place, houses, buildings, yards, orchards, parts, pendicles, and pertinents thereof whatsoever, lying within our said sheriffdom of Clakmannan; As also, all and whole the lands of Wester Tullicultrie, with the hill thereof, mill, mill lands, and astricted multures, with the pertinents of the same, lying within the sheriffdom foresaid, and likewise the coal at present on the said lands, with all works and instruments thereof necessary thereto belonging, with all advantage, commodity, and benefit thereof, and all things to the said colliery pertaining; And also, all and whole the church of Tullicultrie, parsonage, and vicarage thereof; as also, all and whole those ten acres of land, and glebe of church lands of Tullicultrie, with houses, buildings, and pertinents thereof, which were let in feu farm by the abbots and convent of Cambuskenneth to the deceased

in feudifirmam locabantur quondam Jacobo Domino Colvell de Culros avo Jacobi nunc Domini Colvell jacen. infra predict. vicecomitatum nostrum de Clackmannan ac more in infeofamentis desuper fact. et concess. bondat. cum omnibus et singulis decimis garbalibus aliisque decimis tam rectoriis quam vicariis fructubus redditubus emolumentis et devoriis earundem quibuscunque ad easdem spectan. et ab antiquo ad abbates de Cambuskenneth pertinen. cum omnibus et singulis carbonibus et carbonariis dictarum terrarum aliorumque supra recitat. cum pertinen. et omnibus operibus necessariis et instrumentis earundem quibuscunque ad easdem spectan. cum omni beneficio redditibus et commoditatibus earundem cum omnibus et singulis partibus pendiculis tenen. tenan. libere tenentium servitiis totarum et integrarum predictarum terrarum aliorumque respective particulariter suprascript. jacen. vt prefertur Quequidem terræ baroniæ aliaque prescript. ad prefatum Willielmum Comitem de Stirling Willielmum Dominum Alexander ejus filium et Dominum Alexander Schaw de Sauche militem perprius hereditarie pertinuerunt per ipsos de nobis immediate in capite tent, ac per illos eorumque procuratores suis nominibus ad hunc effectum spealiter constitutos per eorum severales literas patentes in manibus dictorum dominorum nostri scaccarij nostrorum commissionariorum ad resignationes recipiendas novaque infeofamenta desuper danda constitutorum tanquam in manibus nostris eorum immediato superiore apud Edinburgum duodecimo die mensis Junii proximo elapsi pure et simpliciter per fustum et baculum vt moris est resignate et extradonate fuerunt vnacum omni jure titulo interesse jurisclameo proprietate possessione actione et instantia que seu quas illi aut eorum aliquis eorumque successores et assignati respective in et ad easdem aut aliquam earundem partem habuerunt habent aut quovismodo in futurum habere pretendere seu clamare poterit et hoc in favorem dictorum Willielmi Comitis de Stirling in vitali redditu duran. omnibus suæ vitæ diebus et prenominat. Willielmi Domini Alexander ejus filis ac heredum suorum masculorum de corpore suo legittime procreat. vell procreand quibus deficientibus in favorem hæredum masculorum dicti Willielmi Comitis de Stirling et assignatorum quorumcunque et pro novo infeofamento illis de iisdem nostro sub magno sigillo in debita et competenti forma retrodand prout autentica instrumenta in manibus Georgij Halden notarij publici desuper suscepta latius proportant Preterea ratificavimus et approbavimus necnon tenore presentium cum avisamento et consensu predict. ratificamus et approbamus omnes cartas infeofamenta præcepta et sasinæ instrumenta prefatarum terrarum baroniarum aliorumque predict. prefato Willielmo Comiti de Stirling vell suo filio aut eorum authoribus aliquibus jus habent per nos nostrosve predecessores aut per quamcunque personam vel quascunque personas hereditarios earundem pro tempore concess. Necnon ratificamus et approbamus jus alienationem et dispositionem factam per quondam Joannem Comitem de Mar, Dominum Erskeine et Garioche, &c. hereditarium proprietarium decimarum rectoriarum et vicariarum dictarum terrarum et baroniæ de Tillibodie pro tempore Domino Jacobo Erskeine de Tillibodie militi heredibus suis et

James Lord Colvell of Culros, grandfather of James, now Lord Colvell, lying within our sheriffdom of Clakmannan foresaid, and bounded in manner mentioned in the infeftments thereupon made and granted, with all and sundry teind sheaves, and other teinds, as well parsonage as vicarage, fruits, rents, emoluments, and duties thereof whatsoever thereto belonging, and of old pertaining to the abbots of Cambuskenneth, with all and sundry coal and coalheughs of the said lands and others above recited, with the pertinents and all works and instruments thereof whatsoever necessary thereto belonging, with all benefit, rents, and commodities thereof, with all and sundry parts, pendicles, tenants, tenandries, and services of free tenants of all and whole the foresaid lands, and others respectively and particularly above written, lying as aforesaid; Which lands, baronies, and others before written, formerly pertained heritably to the aforesaid William Earl of Stirling, William Lord Alexander, his son, and Sir Alexander Schaw of Sauchie, Knight, holden by them immediately of us in chief, and were by them, and their procurators in their names to that effect, specially constituted by their several letters patent, resigned and surrendered in the hands of the said Lords of our Exchequer, our commissioners appointed to receive resignations, and thereupon to give new infeftments, as in the hands of us their immediate superior, at Edinburgh, the twelfth day of June last past, purely and simply by staff and baton as use is, together with all right, title, interest, claim of right, property, possession, action, and instance, which they, or any of them, their successors and assigns respectively, had, have, or any way in future might have, pretend, or claim thereto, or to any part thereof, and that in favour of the said William Earl of Stirling, in liferent during all the days of his life, and the before-named William Lord Alexander, his son, and his heirs-male lawfully procreate, or to be procreate, of his body, whom failing, in favour of the heirs-male and assigns whatsoever of the said William Earl of Stirling, and for new infeftment to be again given to them thereof under our Great Seal, in due and competent form, as authentic instruments taken thereupon in the hands of George Halden more fully proport. Moreover, we have ratified and approved, and by these presents, with advice and consent foresaid, ratify and approve all charters, infeftments, precepts, and instruments of seisin of the aforesaid lands, baronies, and others foresaid, to the aforesaid William Earl of Stirling, or his son, or any persons their authors, having right granted by us or our predecessors, or by any person or persons heritors of the same at the time; And also, we ratify and approve the right, alienation, and disposition made by the deceased John Earl of Mar, Lord Erskine and Garioche, &c. heritable proprietor at the time, of the teinds, parsonage and vicarage, of the said lands and barony of Tullibodie, to Sir James Erskine of Tullibodie, Knight, his heirs and assigns, which is dated the

assignatis que est de data die mensis anno Domini millesimo sexcentessimo vnacum juribus et dispositionibus per prefatum Dominum Jacobum memorato Willielmo Comiti de Stirling ejusque authoribus dictarum decimarum rectoriarum et vicariarum prefatarum terrarum et baroniæ de Tillibodie in omnibus capitibus et articulis earum, &c. Ac volumus et concedimus quod hec presens nostra confirmatio et ratificatio sit et erit tanti valoris et efficaciæ quamsi predictæ cartæ infeofamenta dispositiones aliaque prescript. in hac presenti carta nostra per expressum inserta fuissent penes quam nos pro nobis et successoribus nostris dispensavimus tenoreque presentium dispensamus imperpetuum. Ulterius nos pro bono fideli et gratuito servitio nobis nobilissimisque nostris progenitoribus dignissime memorie per memoratos Willielmum Comitem de Stirling et Willielmum Dominum Alexander ejus filium temporibus retroactis prestito et impenso ac pro diversis aliis magnis respectibus bonis causis et considerationibus nos ad hoc moven. ex nostra certa scientia proprioque motu de novo dedimus concessimus et disposuimus necnon tenore presentium cum avisamento et consensu predict. de novo damus concedimus et disponimus memorato Willielmo Comiti de Stirling in vitali redditu duran. omnibus sue vitæ diebus et prefato Willielmo Domino Alexander ejus filio et heredibus suis masculis de corpore suo legittime procreatis vell procreandis quibus deficientibus heredibus masculis dicti Willielmi Comitis de Stirling et assignatis quibuscunque omnes et singulas terras baronias aliaque particulariter subscript. viz. Totas et integras predict. terras et baroniam de Tullibodie comprehenden. terras de Banchrie cum tenentibus tenandriis et libere tenentium servitiis earundem molendinis multuris silvis carbonibus carbonariis partibus pendiculis annexis connexis dependentiis et singulis suis pertinen. et totam et integram salmonum piscationem super aqua de Dovane jacen. ante et prope predictas terras infra bondas predictas cum omnibus privilegiis libertatibus et commoditatibus ad easdem pertinen. et spectan. omnes perprius unit. ad dictam baroniam de Tullibodie vnacum decimis rectoriis et vicariis dictarum terrarum et baronie de Tullibodie comprehenden. terras et piscationes prescriptas necnon nominatione ministri apud dictam ecclesiam de Tullibodie ejusque successorum quandocunque vacare contigerit Ac totas et integras prædictas terras et baroniam de Tullicultrie comprehenden. terras molendina aliaque supra specificat. necnon totas et integras predictas terras de Wester Tullicultrie cum monte ejusdem molendino terris molendinariis astrictis multuris et pertinen. earundem ac carbones de presenti super dictis terris de Tullicultrie et super eisdem et infra easdem lucrandas cum omnibus necessariis operibus et instrumentis ejusdem ad easdem spectan. cum omni vtilitate commoditate et beneficio earundem omnibusque aliis ad dictum opus carbonarium pertinen. ac etiam totam et integram dictam ecclesiam de Tullicultrie rectoriam et vicariam ejusdem et decimas tam rectorias quam vicarias hujusmodi vnacum advocatione donatione et jure patronatus ecclesie parochialis et parochiæ de Tullicultrie cum jure nominationis ministri curam dictæ ecclesiæ omni tempore futuro inserviendi cum potestate dicto nostro consanguineo suoque

day of *Anno Domini*, one thousand six hundred and , together with the rights and dispositions by the aforesaid Sir James to the above mentioned William Earl of Stirling, and his authors, of the said teinds, parsonage and vicarage, in all the heads and articles thereof, &c. And we will and grant that this our present confirmation and ratification may, and shall be, of as great strength and effect as if the foresaid charters, infeftments, dispositions, and others before written, were expressly inserted in this our present charter, whereanent we, for us and our successors, have dispensed, and by these presents for ever dispense. Further, we, for the good, faithful, and willing service performed and rendered to us, and to our very noble progenitors of most worthy memory, by the above mentioned William Earl of Stirling, and William Lord Alexander, his son, in times bypast, and for divers other great respects, good causes and considerations us thereto moving, have, of our certain knowledge and proper motive, of new given, granted, and disponed, and by these presents, with advice and consent foresaid, of new give, grant, and dispone to the above mentioned William Earl of Stirling, in liferent during all the days of his life, and to the aforesaid William Lord Alexander, his son, and his heirs-male lawfully procreate, or to be procreate, of his body, whom failing, to the heirs-male and assigns whatsoever of the said William Earl of Stirling, all and sundry the lands, baronies, and others particularly under written, viz. All and whole the foresaid lands and barony of Tullibodie, comprehending the lands of Banchrie, with tenants, tenandries, and services of free tenants thereof, mills, multures, woods, coal, coalheughs, parts, pendicles, annexes, connexes, dependencies, and their sundry pertinents; and all and whole the salmon fishing upon the water of Dovan, lying opposite and near to the foresaid lands within the bounds foresaid, with all privileges, liberties, and commodities thereto pertaining and belonging, all formerly united to the said barony of Tullibodie, together with the teinds, parsonage and vicarage, of the said lands and barony of Tullibodie, comprehending the lands and fishings before written; and also, the nomination of the minister at the said church of Tullibodie and his successors, whensoever it shall happen to be void; And all and whole the foresaid lands and barony of Tullicultrie, comprehending the lands, mills, and others above specified; and also, all and whole the foresaid lands of Wester Tullicultrie, with the hill thereof, mill, mill lands, astricted multures, and pertinents of the same, and coal at present on the said lands of Tullicultrie, and to be winned upon and within the same, with all works and instruments thereof necessary thereto belonging, with all advantage, commodity, and benefit thereof, and all other things to the said colliery pertaining; as also, all and whole the said church of Tullicultrie, parsonage and vicarage thereof, and teinds, as well parsonage as vicarage, of every sort, together with the advowson, donation, and right of patronage of the parish church and parish of Tullicultrie, with the right of nomination of the minister serving the cure of the said church in all time coming, with power to our said cousin and his son, and their aforesaid, of presenting qualified ministers to the said church of Tullicultrie

filio eorumque antedictis qualificatos ministros ad dictam ecclesiam de Tullicultrie presentandi quandocunque vacabit decessu dimissione deprivatione aut aliter quovismodo necnon totas et integras predictas decem acras terrarum et glebam terrarum ecclesiasticarum de Tullicultrie cum domibus edificiis et pertinen. earundem que per abbates et conventum de Cambuskenneth prefato quondam Jacobo Domino Colvell de Culros Jacobi nunc Di Colvell in feudifirmam locabantur jacen. infra dictum vicecomitatum nostrum de Clakmannane ac bondat more in infeofamentis desuper concess. mentionat. cum omnibus et singulis decimis garbalibus aliisque decimis tam rectoriis quam vicariis fructibus redditibus emolumentis et devoriis earundem quibuscunque ad easdem spectan. ab antiquo ad abbates de Cambuskenneth pertinen. cum omnibus et singulis carbonibus carbonariis integrarum terrarum aliorumque prescript. cum pertinen. omniaque opera necessaria et instrumenta earundem quibuscunque ad easdem spectan. cum omni beneficio vtilitate et commoditate earundem cum omnibus et singulis partibus pendiculis et pertinen. tenentibus tenandriis et libere tenentium servitiis totarum et integrarum dictarum terrarum aliorumque respective et particulariter supra script. cum pertinen. Ac similiter dedimus concessimus et disposuimus necnon tenore presentium cum avisamento et consensu predict. ac cum consensu dicti Willielmi Comitis de Stirling et Joannis Alexander sui filij legittimi tanquam magistrorum nostrorum mineralium et metellorum pro omni jure titulo que illi ad mineras mineralia aliaque subtus specificat. habere seu pretendere possunt damus concedimus et disponimus ac in feudifirmam locamus memorato Willielmo Comiti de Stirling in vitali redditu duran. omnibus suæ vitæ diebus et prefato Willielmo Domino Alexander ejus filio heredibus suis masculis et assignatis predict. omnes et singulas mineras et mineralia auri argenti cupri stanni plumbi aliarumque metellarum et mineralium quorumcunque existen. aut que infra bondas dictarum terrarum et baroniarum de Tullibodie et Tullicultrie tam proprietatis quam superioritatis earundem invenire possunt ac infra reliquas particulares terras aliaque particulariter et generaliter subtus specificat. ad dictum Willielmum Comitem de Stirling suumque filium aut eorum aliquem pertinen. per ipsos de aliis superioribus quam de nobis in capite tent. viz. totarum et integrarum terrarum et baroniæ de Menstrie terrarum de Inschenoch terrarum de Balquhairne totarum et integrarum terrarum de Gogar et Gorguies eister et wester et omnium reliquarum terrarum aliorumque in infeofamentis dicti Willielmi Comitis de Stirling et sui filij mentionat. cum singulis suis partibus pendiculis et pertinen. quas tanquam pro expressis in presentibus habentur ac totas et integras predictas mineras et mineralia auri argenti aliarumque prescript. cum omnibus carbonibus et carbonariis infra fluxum maris et fluvij juxta predictas terras baronias aliaque predict. proprietatem aut tenandriam earundem tam de nobis quam de aliis superioribus in capite tent. vnacum omni jure titulo interesse jurisclameo proprietate et possessione tam petitorio quam possessorio que nos nostrive successores aut predecessores habuimus habemus aut ullo modo pretendere possumus in et ad terras baronias molendina silvas piscationes decimas

whensoever it shall become void by decease, dismission, deprivation, or any way otherwise; and also, all and whole the foresaid ten acres of land, and glebe of church lands of Tullicultrie, with houses, buildings, and pertinents thereof, which were let in feu farm by the abbots and convent of Cambuskenneth to the aforesaid deceased James Lord Colvell of Culros, (grandfather) of James now Lord Colvell, lying within our said sheriffdom of Clakmannan, and bounded in manner mentioned in the infeftments thereupon granted, with all and sundry teind sheaves, and other teinds, as well parsonage as vicarage, fruits, rents, emoluments, and duties thereof whatsoever thereto belonging of old pertaining to the abbots of Cambuskenneth, with all and sundry coal and coalheughs of the whole lands and others before written, with the pertinents, and all works and instruments thereof whatsoever necessary thereto belonging, with all benefit, advantage, and commodity thereof, with all and sundry parts, pendicles, and pertinents, tenants, tenandries, and services of free tenants of all and whole the said lands, and others respectively and particularly above written, with the pertinents. And likewise, we have given, granted, and disponed, and by these presents, with advice and consent foresaid, and with consent of the said William Earl of Stirling, and of John Alexander, his lawful son, as Masters of our minerals and metals, for all right and title which they can have or pretend to the mines, minerals, and others under specified, do give, grant, and dispone, and in feu farm let to the above mentioned William Earl of Stirling, in liferent during all the days of his life, and the aforesaid William Lord Alexander, his son, and their heirs-male and assigns foresaid, all and sundry mines and minerals of gold, silver, copper, tin, lead, and other metals and minerals whatsoever, being, or which can be found, within the bounds of the said lands and baronies of Tullibodie and Tullicultrie, as well property as superiority thereof, and within the remanent particular lands and others particularly and generally under specified, pertaining to the said William Earl of Stirling and his son, or either of them, holden by them in chief of other superiors than of us, viz. of all and whole the lands and barony of Menstrie, the lands of Inschenoch, the lands of Balquhairne, all and whole the lands of Gogar, and Gorgies Easter and Wester, and all the remanent lands and others mentioned in the infeftments of the said William Earl of Stirling and his son, with their sundry parts, pendicles, and pertinents, which are held as expressed in these presents; and all and whole the foresaid mines and minerals of gold, silver, and others before written, with all coal and coalheughs within the flowing of the sea and river near to the foresaid lands, baronies, and others foresaid, property or tenandry thereof, holden as well of us as of other superiors in chief, together with all right, title, interest, claim of right, property, and possession, as well petitory as possessory, which we or our successors or predecessors had, have, or any way can pretend in and to the lands, baronies, mills, woods, fishings, teinds, patronages, and others

patronatus aliaque prescript. infra bondas metas et limites supramentionatas aut ad aliquam earundem partem vell ad census firmas proficua et devorias earundem de quibuscunque annis seu terminis preteritis ratione wardæ relevij nonintroitus eschetæ forisfacturæ recognitionis reductionis bastardiæ tanquam ultimi heredis vell quocunque alio jure titulo seu actis parliamenti quibuscunque aliisque actis legibus statutis et constitutionibus in contrarium fact. vell faciend aut ob quamcunque aliam causam seu occasionem preteritam diem datæ presentium preceden. Renunciando et extradonando eadem simpliciter cum omni actione et instantia nobis et successoribus nostris competen. prout nunc et imperpetuum cum pacto de non petendo in favorem dict. Willielmi Comitis de Stirling et Willielmi Domini Alexander sui filij ejusque predict. ac cum supplemento omnium defectuum et imperfectionum tam non nominat. quam nominat. quas nos pro nobis et successoribus nostris pro expressis in presentibus haberi volumus Preterea nos pro causis et respectibus supra specificatis ex nostra certa scientia proprioque motu vniuimus ereximus creavimus et incorporavimus necnon tenore presentium cum avisamento et consensu predict. vnimus erigimus creamus et incorporamus omnes et singulas terras baronias aliaque particulariter et generaliter supra mentionat. cum decimis rectoriis et vicariis dictarum terrarum et baroniarum de Tullibodie et Tullicultrie cum advocationibus dictarum ecclesiarum de Tullibodie et Tullicultrie et nominatione ministrorum curam inservientium apud easdem omni tempore affecturo vnacum mineriis et mineralibus auri argenti aliorumque mineralium predict. cum carbonibus et carbonariis infra bondas predictarum terrarum baroniarum aliorumque prescript. aut infra fluvij fluxum earundem terrarum in vnum integrum et liberum dominium et comitatum prenominato Willielmo Comiti de Stirling in vitali redditu duran. omnibus sue vitæ diebus et Willielmo Domino Alexander ejus filio et heredibus suis masculis predictis Comitatum de Dovan omni tempore affuturo nuncupat. et nuncupand cum titulo stilo et dignitate Comitis secundum datam dicti Comitis creationis sibi desuper concess. que est de data (decimo quarto) die mensis (Junii) anno Domini millesimo sexcentesimo trigesimo (tertio) Necnon volumus et concedimus et pro nobis et successoribus nostris cum consensu predict. decernimus et ordinamus quod vnica sasina nunc per dictos Willielmum Comitem de Stirling et Willielmum Dominum Alexander ejus filium suosque predictos omni tempore affuturo super solo dictarum terrarum de Tullibodie aut aliqua earundem parte capienda stabit et sufficiens erit sasina illis pro omnibus et singulis terris baroniis manerierum locis molendinis silvis piscationibus decimis advocationibus donationibus et juribus patronatuum tenentibus tenandriis libere tenentium servitiis partibus pendiculis et singulis suis pertinen. particulariter supramentionat. non obstan. quod eadem non jacent. contigue sed in diversis locis penes quam nos pro nobis et successoribus nostris dispensavimus tenoreque presentium dispensamus in perpetuum Tenen. et haben. omnes et singulas terras baronias advocationes donationes et jura patronatuum ecclesiarum aliaque particulariter et generaliter supra script. omnes nunc vnitas et annexatas et incorporatas in vnum integrum et liberum

before written, within the bounds, meiths, and marches above mentioned, or to any part thereof, or to the taxations, rents, profits, and duties thereof, of whatsoever years or terms bypast, by reason of ward, relief, non-entry, escheat, forfeiture, recognition, reduction, purpresture, disclamation, bastardy, as *ultimus hæres*, or by any other right, title, or acts of Parliament whatsoever, and other acts, laws, statutes, and ordinances made, or to be made, in the contrary, or for any other cause or occasion heretofore, preceding the day of the date of these presents; Renouncing and overgiving the same *simpliciter*, with all action and instance to us and our successors competent, for now and ever, *cum pacto de non petendo*, in favour of the said William Earl of Stirling, and William Lord Alexander, his son, and his foresaids, and with supply of all defects and imperfections, as well not named as named, which we, for us and our successors, will to be held as expressed in these presents. Moreover, we, for the causes and respects above specified, of our certain knowledge and proper motive, have united, erected, created, and incorporated, and by these presents, with advice and consent foresaid, do unite, erect, create, and incorporate all and sundry the lands, baronies, and others particularly and generally above mentioned, with the teinds parsonage and vicarage of the said lands and baronies of Tullibodie and Tullicultrie, with the advowsons and donations of the said churches of Tullibodie and Tullicultrie, and nomination of the ministers serving the cure thereat, in all time coming, together with the mines and minerals of gold, silver, and other minerals foresaid, with coal and coalheughs within the bounds of the foresaid lands, baronies, and others before written, or within the flowing of the river at the said lands, into one entire and free lordship and earldom to the before named William Earl of Stirling, in liferent during all the days of his life, and William Lord Alexander, his son, and their heirs-male aforesaid, called, and to be called, in all time coming, the Earldom of Dovan, with the title, style, and dignity of Earl, according to the date of the said Earl's creation thereupon granted to him, which is dated the fourteenth day of June, *Anno Domini* one thousand six hundred and thirty-three; and also, we will and grant, and, for us and our successors, with consent foresaid, decern and ordain, that one seisin, now to be taken by the said William Earl of Stirling, and William Lord Alexander, his son, and their foresaids, upon the ground of the said lands of Tullibodie, or any part thereof, shall stand, and be to them sufficient seisin in all time coming, for all and sundry the lands, baronies, manor places, mills, woods, fishings, teinds, advowsons, donations, and rights of patronage, tenants, tenandries, services of free tenants, parts, pendicles, and their sundry pertinents particularly above mentioned, notwithstanding the same do not lie contiguous but in divers places, whereanent we, for us and our successors, have dispensed, and, by these presents, for ever dispense, To be holden, and to hold, all and sundry the lands, baronies, advowsons, donations, and rights of patronage of churches, and others particularly and generally above written, all now united, and annexed, and incorporated into one entire and free earldom, called and to be

comitatum Comitatum de Dovan omni tempore affuturo nuncupat. et nuncupand memoratis Willielmo Comite de Stirling in vitali redditu duran. omnibus sue vitæ diebus et Willielmo Domino Alexander suo filio heredibus suis masculis et assignatis predict. De nobis et successoribus nostris in libera baronia dominio et comitatu imperpetuum per omnes rectas metas suas antiquas novas et divisas prout jacent. in longitudine et latitudine in domibus edificiis hortis molendinis, &c. aucupationibus venationibus piscationibus, &c. cum omnibus et singulis aliis libertatibus commoditatibus, &c. libere quiete, &c. absque aliqua revocatione, &c. Reddendo inde annuatim memoratus Willielmus Comes de Stirling durante vita sua et post ejus decessum dictus Willielmus Dominus Alexander ejus filius heredes sui masculi et assignati predict. nobis et successoribus nostris pro predictis terris et baroniis de Tullibodie et Tullicultrie comprehenden terras molendina piscationes decimas ecclesias carbones carbonaria tenentes tenandrias libere tenentium servitia aliaque earundem predict. cum pertinen. jura servitia taxatas wardas feudifirmæ et albefirmæ firmas aliaque in prioribus infeofamentis memorato Willielmo Comiti de Stirling fact. et concess. contentis ac pro jure et privilegio nominationis ministrorum dictarum ecclesiarum de Tullicultrie et Tullibodie vnum denarium nomine albe firmæ si petatur tantum necnon reddendo memorati Willielmus Comes de Stirling ejusque filius suique predict. nobis et successoribus nostris pro predictis mineriis et mineralibus auri argenti aliorumque predict. decimam partem earundem in *lie* oare et qualitate in quibus eædem lucrantur et operantur nomine feudifirmæ Vobis, &c. Apud maneriem nostram de Oatlandis trigessimo die mensis Julij anno Domini millesimo sexcentesimo trigesimo septimo et anno regni nostri decimo tertio.

Per Signetum.

called in all time coming the Earldom of Dovan, by the above mentioned William Earl of Stirling, in liferent during all the days of his life, and William Lord Alexander, his son, and their heirs-male and assigns foresaid, of us and our successors, in free barony, lordship, and earldom, for ever, by all their right, meiths, old, new, and divided, as they lie in length and breadth, in houses, buildings, yards, mills, &c. hawkings, huntings, fishings, &c. with all and sundry other liberties, commodities, &c. freely, quietly, &c. without any revocation, &c. Giving therefor yearly, the above mentioned William Earl of Stirling, during his life, and after his decease, the said William Lord Alexander, his son, and their heirs-male and assigns foresaid, to us and our successors, for the foresaid lands and baronies of Tullibodie and Tullicultrie, comprehending the lands, mills, fishings, teinds, churches, coal, coalheughs, tenants, tenandries, services of free tenants, and others thereof foresaid, with the pertinents, the rights, services, taxed wards, feu farm and blench farm duties, and others contained in the former infeftments made and granted to the above mentioned William Earl of Stirling; and for the right and privilege of nomination of the ministers of the said churches of Tullicultrie and Tullibodie, one penny in name of blench farm, if asked only; and also giving, the above mentioned William Earl of Stirling, and his son, and their foresaids, to us and our successors, for the foresaid mines and minerals of gold, silver, and others foresaid, in name of feu farm, the tenth part of the same, in the ore and condition in which they are winned and wrought. We therefore require and command you, &c. At our Manor of Oatlands, the 30th day of July, *Anno Domini* 1637, and of our reign the thirteenth year.

By the Signet.

General Retour of the Service of Alexander, Earl of Stirling, as heir of tailzie and provision of William, Earl of Stirling, 30th May, 1831.

(*Records, Register House, Edinburgh.*)

No. VIII.

Considerations on the Law Proceedings in the Court of Session, between the Crown and the Earl of Stirling.

THESE proceedings refer to certain measures which were taken on the behalf of Lord Stirling, in 1831, for the purpose of asserting and making effectual his right to the lands in America, originally granted by King Charles I. to William, the first Earl of Stirling, from whom the present Earl is lineally descended. The feudal right to these possessions in America was vested in the first Earl at his death, and had never been taken out of his *hæreditas* or succession; and Lord Stirling, in the course of his legal consultations, was advised to have his rights thereto completed without delay. With that view, a brieve of inquest was obtained for serving his lordship heir of the first Earl of Stirling; and his relationship and claim to be heir whatsoever of that Earl having, agreeably to the established practice, been fully proved, Lord Stirling, on 2d July, 1831, was found heir, accordingly, by the verdict of a most respectable jury. In adopting these proceedings, his lordship had recourse to what, according to the law of Scotland, is the established and regular mode by which an heir proves his propinquity to his ancestor. Having obtained the verdict of the jury, he thereafter procured a precept of seisin from his Majesty, directed to the Sheriff of the Sheriffdom of Edinburgh, who, *ex officio*, as specially representing his Majesty, and as having the care of the Crown's casualties, gave him, on 8th July aforesaid, hereditary seisin of Nova Scotia and its dependencies; his lordship having, at the same time, had the like seisin given him of the lordship of Canada. Further, on the 14th of the same month of July, Lord Stirling, in the exercise of the powers conveyed expressly by the terms of the rights which he had thus completed, granted a procuratory (proxy) for resigning or surrendering in the hands of his Majesty, feudal superior or overlord of Nova Scotia, a portion of the lands, in favour of, and for a new charter from his Majesty to, an individual, with the erection of the same into a barony, (manor,) and a grant of the title of a Nova Scotia Baronet.

Lord Stirling's resignatory, this individual, thereupon presented to the Lords Commissioners of the Treasury, 22d August, 1831, the usual petition for a warrant to authorize the Barons of the Exchequer in Scotland to revise his signature of resignation; but many months were consumed in ineffectual applications for the warrant prayed for. Being withstood in this manner, he had a patent made out in his favour from Lord Stirling, on 1st Feb. 1832, of the style and title of a Baronet of Nova Scotia, for granting which good precedents were afforded by

the example of the first Earl: And also, this individual, some time afterwards, viz. on 15th Nov. 1832, instituted a suit, called an action of declarator, before the Court of Session; the officers of State, on the behalf of the Crown, being cited as parties; and which suit had a conclusion to this effect, that his Majesty ought to be found to be under a just and lawful obligation to receive the surrender of Lord Stirling, or his proxy in his name, and to grant a new charter of the aforesaid portion of lands to the party in whose favour the surrender of them was offered to be made.

This suit was opposed by the officers of State. Against it declamatory defences were stated by them; but more especially, they had the hardihood to allege, that a part of the documentary evidence, laid before the jury on the inquest of Lord Stirling's relationship to his ancestor, was forged or fabricated; and they stated that they had commenced and served an action against Lord Stirling and his resignatory foresaid, for the purpose of challenging Lord Stirling's services as heir of the first Earl of Stirling, and all that had followed upon them. Upon this statement, the judge in the cause, conceiving the question of the validity of Lord Stirling's services as heir to be an object prior in order to the demand of a party deriving right from him, as found heir by such services, on 2d March, 1833, sisted further procedure, till the action, so stated to have been commenced and served by the officers of State against Lord Stirling, was disposed of.

The action of the officers of State was brought into Court, 16th May, 1833, and is still in dependence. The officers of State, on 29th May, 1834, were appointed to put into process, in two weeks, a written paper on what they alleged and undertook to support by proof; but they evinced afterwards a disposition to delay complying with the appointment made upon them, so strongly, that Lord Stirling's law agent, though, of course, on the side of the defence, had, strange to say, no alternative but to enrol the cause for an order on them to lodge their paper, which was at length given in after seven weeks. Thus it was that Lord Stirling now perceived, that the proceedings of the officers of State altogether, and in their pleading to the previous action of declarator, and the prosecution of the action raised by themselves for challenging his lordship's services, were all designed with a view to delay, like that formerly experienced by the individual above mentioned at the Board of Treasury, in fairly meeting Lord Stirling's claims on their real merits.

The defined object of the action was to set aside two services obtained by Lord Stirling, the one as heir in general, and the other as heir in special, of his ancestor, Sir William Alexander, the first Earl of Stirling, in the lands of Nova Scotia, and also to reduce, or overturn, certain deeds following on the aforesaid services.

The officers of State took up a twofold ground for instituting and maintaining the action. They pleaded,

In the first place, 'That his Majesty has an undoubted right and title to the 'superiority or sovereignty of the lands, and was entitled to see that Lord 'Stirling's title of vassal was good.' Lord Stirling had proved himself heir in

the manner appointed by law; the stated official persons concerned saw to the procedure at his services being every way regular and formal: and the services afforded competent evidence, that ought to satisfy any superior as to his proper vassal. Further, it is a principle of the law of Scotland, that *the Crown refuses no vassal;* yet the officers of State, although pretending to rest their action on his Majesty being entitled to see that the *vassal's* title was good, nevertheless not admitting the existence of a vassal, thought fit to plead,

In the next place, 'That the Crown had an interest in setting aside Lord 'Stirling's services, so far as they might be used for founding a title of vassal in 'the aforesaid lands,'—expressions which would bear to be extended in the monstrous degree of being made applicable to the case of any and every individual who may be demanding, as vassal of the Crown, an entry for his rightful property at its hands. To confine, however, the consideration of this plea to the case of Lord Stirling alone, it requires to be understood that his lordship has uniformly disputed the Crown's having a lawful right or interest, entitling it to challenge, to any effect, his services as heir. He does not go beyond his legal rights as vassal, to seek to invade or encroach upon any right justly belonging to the Crown. The proceedings, therefore, on the part of the Crown, which was not entitled to be served as an heir, are equally irregular and unwarrantable; such being the situation of Lord Stirling, who is an heir in blood, that the Crown, which is not another heir in blood, wants, in consequence, the legal title to compete with him; and the officers of State themselves were obliged to admit judicially, and the admission is upon record, that 'the action was raised by them 'without any competing service;' that is, any service of his Majesty as competing heir.

Every person must see that his Majesty's title of superior of particular lands and Lord Stirling's title of vassal of the Crown, holding immediately of his Majesty a certain beneficial interest and right of property in those lands, do not intermix or oppose each other. If the Crown pretended to have any right to more than the sovereignty of the lands, it never has shewn, or could shew, a title to it. But, plainly, it has no right to more: the soil or property of the lands having been wholly given out to Sir William Alexander by King Charles I. who, by his grant, already mentioned, 'for ever renounced in favour of him, his 'heirs and assigns, all right, title, and interest which his Majesty or his prede-'cessors or successors had, or any wise could have, claim or pretend to the property, 'and exonerated it of the same, and of all action in respect thereto;' and there having been no loss of the property since, by any forfeiture of the right, or feudal delinquency, or surrender by the vassal, so as to have made the right revert to the superior.

In reference to the system of delay, perceptible in the mode in which the officers of State have conducted the action, the following statement may sufficiently illustrate, either a litigious character adhering to the proceedings, or their own culpable unpreparedness, although having the advantage of being the

assailants, for following up their first attacks, being of the particular dates of their original motion for having a proof allowed them *after the record was mutually closed*, and of the prorogations of the time for reporting the proof, repeatedly obtained on their other motions for that purpose:

1835.
June 24. Motion to allow a proof.
July 8. Proof allowed. Report in November.
1836.
Jan. 27. Prorogation of Report for 14 days.
Feb. 10. Ditto till May.
May 18. Ditto for 14 days.
June 1. Ditto, ditto.
A witness examined.
4. Two witnesses examined.
15. Farther prorogation of Report.
July 6. Ditto till November.

Thereby shewing a total delay, of late only, of sixteen or seventeen months, which is entirely unaccounted for; because, notwithstanding the examination of three witnesses in June last, their depositions have as yet never been reported into Court.

(Signed) EPH. LOCKHART.

EDINBURGH, *September*, 1836.

X

No. IX.

Memoir on the attempt to incarcerate Lord Stirling by means of forgery, and the details appertaininy thereto.

The following narrative and correspondence are scarcely credible, and yet true, and some of the letters have been lithographed to enable every person who reads this memoir to judge for himself.

On the 22d day of August, 1832, a man, apparently a gentleman, drove up in a cab to Lord Stirling's house in Portland Place, London, requesting to see Lady Stirling, his lordship being from home. It was in the dusk, so that he could not be readily seen or recognized again. He said he came from the Colonial Office, and left a letter adressed to Lord Stirling, with a seal apparently that of Lord Goderich, viz. a G. with a viscount's coronet over it.

The letter is as follows:—

COLONIAL OFFICE, *August* 22, 1832.

MY LORD,—I am desired by Lord Goderich to request that your lordship will oblige him with an interview at this office to-morrow (Thursday) at twelve o'clock.

I have the honor to be, my Lord, your lordship's most obedient Servant,

(Signed) B. T. BALFOUR.

The Earl of Stirling.

Lord Stirling's solicitor, Mr Burn, was on the same evening apprised of the circumstance, and agreed to meet his lordship at the Colonial Office the next day at the appointed hour.

Before that time, however, Mr Burn was there, and learnt with no small surprise that Lord Goderich would not be at the office on that day, and that Mr Balfour, the pretended writer, was in Ireland. Suspicion being thus excited, he, Mr Burn, lost no time in preventing the approach of his lordship, and returned to the office with the letter, not having had it before, and learnt, that it was not written by Mr Balfour, which in truth was impossible, and was referred to a person not then in the office, but at his private house, for farther satisfaction.

On applying to this person, he immediately pronounced the letter to be a forgery, and requested to have it for the purpose of inquiry into the cheat as affecting the office. The letter was not then left, the leave of Lord Stirling for doing so not having been obtained, but was sent by post in the course of the day, with such information as to the probable author and concocter of the plan

Colonial Office
August 22. /32

My Lord

I am desired by Lord Goderich to request that your Lordship will oblige him with an interview at this Office to morrow (Thursday) at twelve O'Clock

I have the honour to be
My Lord
Yr Lordships most Obt Hble

The Earl of Stirling

H. V. Balfour

To J. Burn, Esq.

day, with such information as to the probable author and concocter of the plan

Col. Off.

Augt. 24. 1833

Sir —

I am desired by Lord Goderich to return the enclosed Forgery. Mr Balfour is now & has been in Ireland for some time — Lord Goderich has no Seal resembling the one used; and I may further add that Lord Goderich either privately or as Secy of State, has not even acknowledged the individual

I Stirling

To J. Burn, Esq.

styling himself as Earl of
Stirling by that Title.

I have the honor to be
Sir
Your Obt. Hble. Servant

day, with such information as to the probable author and concocter of the plan

as circumstances appeared to justify. These circumstances were, that a man of rank had obtained a judgment against Lord Stirling, in an action in which the plea of privilege had not been pleaded in a sufficient manner to insure it. This left his lordship liable to an execution in that action, and thus to have his person incarcerated. The forged letter seemed to be the plan to get hold of his lordship's person, and was defeated in the manner before narrated. The name and circumstances were then detailed in the letter enclosing the forgery.

John Ilderton Burn, Esq. to Charles Douglas, Esq. Private Secretary to Viscount Goderich.

RAYMOND BUILDINGS, GRAY'S INN, *August* 23, 1832.

SIR,—I send you the enclosed letter to make such use of towards detecting the forgery, as you may think fit. It was left last evening in Portland Place, by a gentleman in a gig, with Lady Stirling. Sir Henry Digby has lately brought an action against Lord Stirling, and received, or rather got, judgment for a sum of money, which he is anxious to enforce. I mention this circumstance, coupled with the agency of a man named John Tyrell, who acted for Sir Henry, as, perhaps, leading to a guess in the business. It is no doubt a scandalous proceeding. If I can, in any way, render farther assistance in the inquiry, I shall be happy to do so, and remain, &c.

(Signed) J. I. BURN.

P.S. Messrs Potts and Son of Serjeant's Inn, were the attornies of Sir H. Digby.

Now, at this point of the case, would not any man, and every man have concluded and expected, as a matter of course, an indispensable obligation indeed, that the investigation would have been carried on with something like a chance of detecting the cheat—with a degree of earnestness that would have left no ordinary—no, nor extraordinary means untried to achieve the object? Would not this be the natural expectation of Lord Stirling in confiding the letter to the party for his investigation? Most assuredly so! And now, reader, mark well the result of this doughty commission. Why, truly, on the 24th, the very day after, inquiry ends where it begins.

Mr Douglas to Mr Burn.

COLONIAL OFFICE, *August* 24, 1832.

SIR,—I am desired by Lord Goderich to return the enclosed *forgery*. Mr Balfour is now, and has been, in Ireland some time. Lord Goderich has no seal resembling the one used; and I may farther add, that Lord Goderich, either privately or as Secretary of State, has *not* ever acknowledged the individual styling himself as Earl of Stirling, by that title.—I have the honour to be, Sir, your most obedient humble servant,

(Signed) CHARLES DOUGLAS.

To J. Burn, Esq.

Is this the way, we ask, that any of the readers of this narrative would proceed to detect a forgery? Is this the earnest endeavour to discover the perpetrator? Is this, in short, genuine? Mr Douglas was applied to, to return the envelope, so necessary in such an inquiry, and which had been retained.

Mr Burn to Mr Douglas.

RAYMOND BUILDINGS, *August* 25, 1832.

SIR,—You have not returned me the envelope to the forged letter sent you the other day. I suspected the fraud, and the seal may enable me to make progress in detecting it. Indeed, I am led to expect a discovery in a quarter not anticipated. Your office, I presume, will afford facilities to the inquiry. Indeed, I thought you would have taken it up without me, as it affects the public as well as the individual. I was quite aware of my Lord Goderich's refusal to recognize the title to peerage in my client. That part of Balfour's letter then excited suspicion. This was a clumsy part of the machinery. Pray have the goodness to return the envelope.—I have the honour, &c.

(Signed) J. I. BURN.

Mr Burn to Earl Grey.

RAYMOND BUILDINGS, *August* 25, 1832.

MY LORD,—A forgery has been recently committed in the name of Mr Balfour, of the Colonial Office, to which it should seem that your lordship's seal, or one like it, is affixed. The purpose of this letter is to ask your lordship to have the condescension to order a single line in reply, with the small seal affixed. This will probably aid in detecting the cheat.—I have the honour, &c.

(Signed) J. I. BURN.

Mr Burn to Mr Douglas.

SIR—Not having heard from you with the envelope to the *forged* letter to Lord Stirling, I again trouble you on the subject. It is quite clear that such a material document for discovery of the cheat is indispensable. The impression taken from the original is not such good evidence, but how Lord Granville's seal could be procured, as is suspected, for the purpose, is a mystery. Perhaps you could throw some light on this point, by pointing out the probable channels for coming at such a thing improperly. Thinking it might be Earl Grey's, I wrote to that nobleman on Saturday, requesting a single line in reply, with his lordship's *small seal affixed.* Thus, you see, I have not been idle. The inspector to the post office, and other parties, have been applied to respecting hands. All who have hitherto seen them agree in opinion, and a warrant at Bow Street will, doubtless, elicit still more. Your cordial assistance, herein, will be very acceptable, as the culprit must and shall be fully exposed. I could shew you

documents that leave no doubt of the writer. Perhaps Lord Goderich himself might be disposed to lend his aid. When a little more advanced, I shall venture probably to ask it, and have the honour to be, &c.

RAYMOND BUILDINGS, GRAY'S INN, (Signed) J. I. BURN.
August 28, 1832.

Things wanting.—1. How the seal, whether of Lord Granville, or Earl Grey, could be had? Would Lord Howick take the trouble to inquire? 2. Who delivered the letter to Lady Stirling? The party suspected will perhaps be discovered to-day, and be forced to speak out. 3. Who wrote the forgery, and by whose dictation? The writer is known, and before a magistrate he may be forced to give up his principal. 4. How many parties to the conspiracy to wound the peace of a family, and injure an innocent man?

Mr Douglas's reply to the application to return the envelope, was such as may now be anticipated.

Mr Douglas to Mr Burn.

COLONIAL OFFICE, *August* 28, 1832.

SIR,—In reply to your note, I beg leave to say that, as I did not think the envelope which you request me to return was of consequence, I fear it has been lost or burnt. I hope it will not signify. As the forged letter could not have come from any one in this office, Lord Goderich had no means of detecting the author, and, consequently, I returned the letter to you.—I have the honour, &c.

(Signed) CHARLES DOUGLAS.

The same person wrote another letter of the 29th of August.

Mr Douglas to Mr Burn.

COLONIAL OFFICE, *August* 29, 1832.

Sir,—I am desired, by Lord Goderich, to acknowledge the receipt of your letter of the 28th instant, which reached me in Bruton Street, by the twopenny post, yesterday evening. As I had no reason to suppose that the envelope of the letter to which you refer was of any consequence, and as I was quite unaware of the existence of any such conspiracy as you allude to, the envelope was thrown aside, together with other papers of the same description, and I am not sure that it can now be found. I can, however, distinctly assert that the seal attached to it (a viscount's coronet with a G. under it) was not Lord Goderich's, who had not, and never had, either individually or officially, any such seal. Lord Goderich directs me to add, that he will be very ready to promote any inquiry as to the author of this forgery, but he has no ground whatever for

fixing suspicion upon any particular person. The seal could not be Lord Grey's, as it was not an Earl's coronet.—I have the honour to be, &c.

(Signed) CHARLES DOUGLAS.

P.S. If the envelope can be found, it will be sent to you. I shall be here to-morrow, if you wish to see me, at one o'clock.—C. D.

It may be proper to state here, that Mr Burn had written to Earl Grey asking for a reply with the small seal affixed, but none was ever given. Although the party alluded to "had no reason to suppose that the envelope was of any consequence," and it "was thrown aside," it is not a little curious and worthy of the reader's attention, to remark how very minutely the seal of it had been noticed.

Mr Burn to Mr Douglas.

SIR,—The writer of the forged letter is as well known to me now *as you are.* I have competent parties ready to prove it. If you will give me all the information in *your power* as to the author and concocter, it may save an exposure that cannot be very agreeable.

It is impossible, I think, that you can mistake my meaning; and really, sir, it would be much more acceptable to my feelings to repress than to proclaim the degradation that awaits the writer, if this hint be not taken, and properly acted on without delay. It is a serious joke, you see, and now demands *serious attention.*—I remain sir, &c.

(Signed) J. I. BURN.

RAYMOND BUILDINGS, GRAY'S INN,
August 29, 1832.

P.S. A full disclosure, within twenty-four hours, may prevent one of a different character within *two days.* I am far more indifferent about the reply, than you can be under the circumstances.—J. I. BURN.

Mr Burn to Viscount Goderich.

RAYMOND BUILDINGS, *August* 29, 1832.

MY LORD,—It is fit that your lordship should be informed that a forgery has been committed in the name of Mr Balfour, and that your lordship's seal (a small seal) was affixed to the letter. The letter is dated the 22d instant, from the Colonial Office, and addressed to Lord Stirling, inviting his lordship to attend the next day at twelve, to meet your lordship. It was delivered to Lady Stirling, by a man in a gig, in Portland Place. I attended, without the letter, before twelve the next day, and was surprised to learn that Mr Balfour, the pretended writer, was in Ireland, and that, consequently, there was reason to suspect that all was not right. I frustrated the view of the writer, and having obtained the letter, returned with it to the Colonial Office. The person in

attendance seemed to think the seal was right,—that is, your lordship's—and referred me to Mr Douglas in Bruton Street for further information. On proceeding to that person's house, he assured me the letter was a forgery, and wished to have it for the purpose of detecting the cheat. I could not then leave it, but promised to send it, at his request, by post, which I did, giving such information as seemed to me undoubted in circumstances likely to end in a discovery. Mr Douglas replied on the 24th, returning me the letter, *without the seal and envelope*, merely reiterating that it was a forgery, and that your lordship had *no seal* resembling the one used. Not caring to be baffled in a search for the writer, and having suspicion excited in a quarter never before dreamt of, I wrote to Earl Grey, asking merely a line in reply, with his lordship's *small seal* affixed, stating my reason for the request. The seal not having been returned, although again applied for, this part of the business is not yet completed. If your lordship should think fit to aid in this discovery, and seal the reply hereto with a small seal, I should feel obliged. I am quite certain of the writer of the letter; not so of the author, unless the writer were author too. I am equally sure that an exposure of the whole will be corroding to the parties. It would ill become me, not at once and explicitly, to acquit your lordship of all knowledge of, or participation in, this affair; and equally so, not to explore the extent of the guilt, if more than one, as I expect, has been concerned. How far your lordship may think fit to assist in the matter rests with yourself, and I have the honour to be, my lord, &c. &c. &c.

(Signed) J. I. Burn.

Raymond Buildings, Gray's Inn,
August 29, 1832.

Mr Douglas to Mr Burn.

Colonial Office, *August* 30, 1832.

Sir,—I have just received your letter dated 29th instant. In consequence of its contents, I must beg leave to withdraw the offer I made in my letter yesterday of seeing you, as it is now quite impossible for me to hold any communication whatever with you, except by the expressed desire of Lord Goderich.—I have the honour to be, sir, &c. &c.

(Signed) Charles Douglas.

To J. I. Burn, Esq.

Mr Burn to Mr Douglas.

Raymond Buildings, *August* 30, 1832.

Sir,—Rest assured, that I had not the slightest intention of accepting your offer, as you call it, to see you at the Colonial Office to-day. I am Lord Stirling's advocate, to get justice for him, if it is to be had, and nothing that I can do to attain so fair an object shall be left undone. My motives, my conduct,

my most earnest exertions, all tend to honourable ends. I may be defeated, but not easily. It would ill suit me, then, to let any inroad be made in the sanctuary of that justice to which I believe Lord Stirling entitled, or to suffer insult to be added to injury in the late attempt, and not express my sense of it. I court no favour at your hands whatever, and am not without feeling for the situation in which you have chosen to place yourself. If the thing be not the mere motion of your own mind, as I suspect it is not, the principal will find it difficult to elude me. My expose is gone to the press on the receipt of your note; therefore, you will understand that this letter is merely to correct any misapprehension as to my having the slightest wish for an interview. The opportunity for your own sake is lost, and as to what is to follow, " nous verrons."—I am, Sir, &c. &c.

(Signed) J. I. Burn.

Charles Douglas, Esq.

Lord Goderich's reply to Mr Burn's letter, cited above, was as follows:—

Viscount Goderich to Mr Burn.

Carlton Gardens, *August* 31, 1832.

Sir,—I have to acknowledge the receipt of your letter of the 29th instant, upon the subject of a certain letter adressed to an individual styling himself Earl of Stirling, and purporting to be written by my private secretary, Mr Balfour.

This letter was of course shewn to me on the day on which Mr Douglas received it from you. Its hand-writing and signature bore no resemblance whatever to that of Mr Balfour: and, as Mr Douglas informed you by my direction on the 29th instant, the seal with which the letter had been sealed (a Viscount's coronet with the letter G. under it) was not mine, as I have not now, and never had at any time, any such seal. Mr Balfour could not be the writer of the letter, as it is dated Colonial Office, August 22, and he has been absent from London for some weeks. The seal could not be Lord Grey's, as he is an Earl, and the seal had a Viscount's coronet. As to the writer and author of this piece of impudence, I have not even a guess; and as you wish my aid in prosecuting your inquiries, I observe with surprise, that although in your letters to Mr Douglas, as well as in that to me, you speak with great confidence of your *knowledge* of the writer, and of your *suspicion* of the *author*, you have not thought proper to impart to me any circumstance by which I can even conjecture to whom you refer. How ready, therefore, I may be to assist in discovering by whom the pretended letter from Mr Balfour was written, it is clear that you alone can furnish me with the means of doing so.

I am sorry that the envelope has been mislaid; but I cannot see in what way the loss of it can affect the means of tracing the writer of the letter.—I am, Sir, &c. &c.

(Signed) Goderich.

Mr Burn to Viscount Goderich.

RAYMOND BUILDINGS, *September* 1, 1832.

MY LORD, — I have a host of witnesses, who can prove, when brought forward, that the forged letter referred to in this correspondence is in the handwriting of Mr Douglas. Had he shewn your lordship all my letters, there could have been no doubt that he was meant as being the writer. Mr Douglas himself furnished the proof that led to the detection. The instant I got his letter, enclosing the forged one, the exact similarity of the hands struck me very forcibly. Before this, not the least suspicion existed in my mind, *as to him.* Not choosing, in an affair of this nature, to trust *my own eyes,* I applied to the inspector at the Post Office, from him to the inspector at the Bank of England, whose province it is more particularly to detect forgeries. This was also done at some public offices. There was neither hesitation nor difference of opinion among any of them on this point; and so far, then, my case was made out. I did not suspect Mr Douglas to be the author, nor do I now suspect this; and by and by, without the envelope, a little more light may be thrown on this part of the subject. That your lordship, in looking at the forgery, to see that it was not in Balfour's hand, did not recognize whose it was, I can only account for, (the resemblance being so striking,) in the unsuspicious nature of an honourable mind, that could not imagine delinquency in one who should have been so far above it. Your lordship says you could not even guess at the party; consequently, I have nothing more to say on this head. Now, as to the envelope and seal not being supposed to be of consequence in such a case, this must arise from a very slight degree of attention to the matter. In an investigation of this kind, every thing pertaining to the letter is of consequence. That Mr Douglas thought so, in not returning the cover, I cannot doubt. The seal, for instance, is some one's, a Viscount's — with a G under the coronet. This would apply to your lordship, as was intended; to Viscount Granville, and to not many more parties. No difficulty would have existed with the seal to find out whose it was. Well, then, that fact attained, how could it be obtained, and by whom? But I should pay an ill compliment to your lordship's understanding to go further, as it must occur to the mind of every one, that a material link in the chain of inquiry is wanting. Withholding the seal, however, is evidence another way, were it needed, to fix the writer, for his most earnest desire should have been to remove the burthen, were it practicable, from his own shoulders. Your lordship will pardon my having said so much in reply to that part of your lordship's letter. As to prosecuting the inquiry, I did naturally expect that something more would have been done than merely to return the forgery, with the intimation that it was a forgery, told to me before, and that your lordship did not know the writer. This, again, fixed, were it wanting, the writing of it on Mr Douglas. He might well desire to quash further investigation, *knowing where it might end;* and the

affected carelessness of throwing aside the cover of a letter—*not addressed to himself, recollect, but another, and sent to him for a very particular purpose*—is quite of a piece with the rest of his conduct. I suspect other parties are yet to be discovered in this business; but, under present circumstances, I cannot feel that I am called on to state more. Means are taking, and will be taken, to detect and bring them to light; for, in an attempt so base, as to sport wantonly with the misfortunes or the miseries of a fallen family, every nerve should be strung for the exertion; and every honourable minded man in this empire will herein be my friend. — I have the honour to be, my lord, &c. &c.

(Signed) J. I. Burn.

Viscount Goderich to Mr Burn.

Highgate, *September*, 3, 1832.

Sir, — I have to acknowledge your letter of the 1st inst.; in reply to which I have only to state, that Mr Douglas is my private secretary, and a gentleman of the strictest honour and integrity; quite incapable of being guilty of any thing so shameful as that which you have imputed to him. As to the hand-writing being his, his word to the contrary is quite sufficient to satisfy me; and I state, further, that there is not the slightest resemblance between his hand-writing and that of the letter signed B. T. Balfour, which you brought to the Colonial Office, and which I saw. I have already told you that the seal could not be mine, and that it could not be Lord Grey's. Lord Granville is not in England; but I presume you have some reason for supposing that it might be his. I will, however, endeavour to ascertain whether his lordship is known to have such a seal. If this transaction has given pain to the parties in whose behalf you are acting, I regret it, as a matter of course; but nothing that you have communicated to me suggests what possible motives any person could have had in forging that letter; still less, what could have induced *any* person connected *with me*, or *with my office*, to take part in so trumpery a fraud, so easily and necessarily detected from the moment that the individual to whom the forged letter was addressed, or any person in his behalf, should present himself at the office, by virtue of that invitation. Of course, Mr Douglas communicated to me every letter or note which he received from you; and I have equally, as a matter of course, put into his hands that to myself, which I now acknowledge. — I am, Sir, &c. &c.

(Signed) Goderich.

P.S. As you have now thought proper to charge a *particular individual*, you will doubtless proceed to bring it to proof. In this I shall be most happy to join; but as I totally disbelieve the charge, and positively deny the ground upon which it rests, (viz. the alleged resemblance of the hand-writing,) it is more clear than ever that it is from you that I must expect to receive the means of going on. Gh.

Mr Burn to Viscount Goderich.

RAYMOND BUILDINGS, *September* 4, 1832.

MY LORD, — It is with no small degree of pain that I both read and reply to your lordship's letter of yesterday, just come to hand. It is difficult, with the respect due to your lordship's rank and character, to state freely, as my duty requires, when I presume to differ from any opinion expressed by your lordship in this affair. Your lordship's simple assurance, on all points within your own perfect knowledge, suffices for me. In the assertion, however, that there is not the slightest resemblance between the hand-writing of Mr Douglas and that of the forged letter, I must, to admit it, surrender, not my own conviction merely, but that of many competent parties, who are prepared on oath to substantiate the identity. This is painful: it is embarrassing. In every thing alleged in regard to Mr Douglas, I should have willingly acquiesced also up to the day of my receiving his letter. How a gentleman so circumstanced could be induced, by any means whatever, to lend himself to such a measure, is totally out of my power to explain. A forgery is clearly committed. It had for its object, I believe, the incarceration of my client. It had nearly, very nearly, succeeded. But for my prompt attention, it would have succeeded; and then, what assignable motive could actuate Mr Douglas in such a base attempt, I cannot tell; but I may yet discover one, — no good one, certainly; but here is the main business of further inquiry. I believe the conspiracy is planned by others. My first letter, enclosing the forgery, to Mr Douglas, gives the means of making inquiries: and I did suppose, that all I am doing, and intend doing, would have been done better for me at the Colonial Office. There, however, I am baffled, by the loss, at starting, of one material link in the chain of inquiry and detection; and not only thrown back upon my own thus diminished resources, but called upon somewhat prematurely to come to the proof as against Mr Douglas. Surely it is not necessary to say, in the progress of an important inquiry, where guilt unquestionably rests on some one or more parties, that a premature disclosure may disconcert the whole. It is for him who pursues guilt to choose the time for fixing it with the most effect. I think, in any other case, this would appear manifest to your lordship.

I have no objection to attend your lordship on the business, painful as it is, if you thought fit, and to bring all the letters with me; for nothing on earth should deter me from following what I believe to be my duty in this matter. — I have the honour to be, my lord, &c. &c.

(Signed) J. I. BURN.

His lordship answered in the following terms:—

Viscount Goderich to Mr Burn.

HIGHGATE, *September* 5, 1832.

SIR, — I have received your letter of yesterday. I retain my opinion: you retain yours. Of course, therefore, I have only to say, that, if you will indicate to me through what channel, or by what means, the author of the forged letter can be detected, and punished, I will do whatever may be in my power to assist. But whilst I am in utter ignorance as to the names, the motives, and the characters of those other persons whom you state yourself to believe to have planned the conspiracy against your client, I have no clue whatever to guide any inquiry. — I am, sir, &c. &c.

(Signed) GODERICH.

J. I. BURN, Esq.

This offer, so full and so fair, was replied to thus:—

Mr Burn to Viscount Goderich.

RAYMOND BUILDINGS, *September* 6, 1832.

MY LORD, — My first letter to Mr Douglas intimated the quarter whence an attempt to incarcerate Lord Stirling might emanate. In what way the machinery was to be connected with Mr Douglas, was a fair subject of inquiry, in two respects, — to acquit him of all blame, if innocent; to fix the proper parties, instead of him, or, by possibility, get at others by whom he might have been induced to lend himself to such a purpose. Being sure that I have fixed him,— your lordship being equally sure that he is incapable of thus acting, co-operation of inquiry can scarcely be expected. A case may be "damned with faint praise," and this requires unremitting exertion. All I should venture to ask of your lordship, therefore, would be,—the return of the envelope, if it be not actually destroyed, Mr Douglas saying he was not quite sure of it,—a seal of Lord Granville, if a small seal, with a G. under the coronet, and not otherwise, can be had from any official communication to which it may have been affixed,—a few sheets of paper, of different makers, used in the Colonial Office, of the size of your lordship's letters, say, of all the different makers used — one of each, and a stick of sealing wax. With these materials, slender as they may seem, I may work out my way to a clearer course of proceeding. It cannot but be painful to your lordship's feelings to continue a correspondence of this description. It is exceedingly so to me, not from doubt, but certainty of conviction, of having made good a material point of my ground,—a pivot now on which all my future proceedings will turn.—I have the honour to be, &c. &c.

(Signed) J. I. BURN.

Mr Maule, the Treasury solicitor, now took up the matter by Lord Goderich's instruction, having had all the preceding correspondence confided to him, and an interview was offered.

Mr Maule, (Solicitor of the Treasury,) to Mr Burn.

LINCOLN'S INN, *September* 6, 1832.

SIR, — By the directions of Lord Goderich, the correspondence which has lately passed, relative to the forged letter, purporting to be addressed from the Colonial Office, has been placed in my hands. As his lordship has, I believe, left town, I beg leave to acquaint you, that I shall be ready to receive any farther communication upon the subject which you may think proper to make, or to see you at this office if you should wish it. — I am, Sir, &c. &c.

(Signed) GEORGE MAULE.

J. I. BURN, Esq.
4, *Raymond Buildings, Gray's Inn.*

Mr Burn to Mr Maule.

RAYMOND BUILDINGS, *September* 6, 1832.

SIR, — I shall be happy to wait upon you, on the subject of the recent correspondence with Mr Douglas and Lord Goderich. I have to be in Covent Garden before coming to chambers in the morning, and shall take the chance of meeting you at Lincoln's Inn, on my way here. — I am, Sir, &c. &c.

(Signed) J. I. BURN.

The interview ended in nothing. Mr Maule thinking there was not even a *primâ facie* case made out, and having asked with a certain air of confidence, what motives could be assigned for the commission of the forgery, as if it were imperative to shew that, before admitting the charge at all. Thus the proferred assistance in the investigation was, in effect, to throw the whole burden of the proof on the party injured and complaining, without in any way whatever taking a single step in aid of the investigation. To leave nothing undone, however, nothing unexplained, as far as Lord Stirling's limited means extended, Mr Burn did even endeavour to trace the motives of the base attempt.

Mr Burn to Mr Maule.

RAYMOND BUILDINGS, *September* 8, 1832.

SIR, — In the affair of the forgery I am called on to assign motives for it against an honourable man. It is impossible. In this instance, the guilty individual must have first fallen from honour and propriety of conduct, ere he could

condescend to do the act. But I can conjecture motives coupled with circumstances that may, in a moment of over zeal on the one hand, and easy inducement on the other, have led to it. My unfortunate client, entitled by charters, with which you must be familiar, I presume, to an immense Scottish territory, has, through me taken every means hitherto in his power, to secure and manifest his rights. I began by writing to Lord Goderich about nine months ago, offering a basis for coming to an arrangement. Lord Howick distinctly replied, in a not very courteous letter, that the claims would be wholly resisted and denied. After some corrections of apparent misapprehension, and a great anxiety on my part to prevent what has since occurred, I was, to use the common phrase, driven out of court. The claims being of a public nature, affecting general and political interests, as well as private, the public has been addressed repeatedly in co-operation with other means for obtaining redress. A petition to Parliament, ordered to be printed, on which, in due time, it is competent to move, had the effect of stopping the second reading of a bill, whose object was in effect to take so much of my client's estate from him for public purposes. The bill in Chancery against Bridge and others, of which it appears that you have a copy, was another mode to fix my client's rights. Now, these proceedings may have been unpalatable to the Colonial Office. With whatever contempt the claims and the claimant may have been received, yet his measures may have had influence enough to be annoying. Arrived at this point, delayed, as we may suppose, in favourite measures, the heads of the Colonial Office may have occasionally expressed displeasure at any interruptions, however contemptible in their apprehension. It is an easy transition then, to suppose that an over zealous dependant, with the talent for a little mischief, and waiting a favourable opportunity to end Lord Stirling, his case, his cares, and his claims, might, when such an opportunity served, do an act, not likely to be discovered, that would apparently be acceptable to his principals. If in this also he secured a friend, then these are motives, all bad it is true, but these are inducements to do once, only once, and in a few minutes, a thing that must ever corrode the feelings of a party not otherwise abandoned. Few men are less suspicious than myself, few more aristocratic, and, therefore, more reluctant to impute dishonour, where honour only ought to govern the conduct of men honourably born and bred. How painful then, to have my eyes opened to this revolting subject. I must pursue the inquiries, link by link, through all its tortuous ramifications, for this is a duty I owe to my client. When and how it may end, it is not in my power to foresee. Grant, however, that complete success shall crown my exertions, the subject is of so unhappy a complexion that it would yield no satisfaction to my own mind to inflict permanent injury on even a guilty man. This is a painful dilemma, from which I must have assistance, and cordial assistance too, to be relieved. In this letter, as you will readily perceive, my mind is laid open to you in the confidence that I address an honourable and skilful man of business. But I cannot expect your co-operation, setting out, as you

do, from an opposite point of the compass from myself; for supposing effectual progress to be made, any step must be painful to you that casts a stain upon a previously good character. I assure you, sir, it is extremely irksome to me too; but what other course is left me? My great object is justice for Lord Stirling, not destruction to an individual. — I remain, Sir, &c. &c.

(Signed) J. I. Burn.

A few sheets of paper were transmitted from the Colonial Office, and enclosed in the following letter.

Mr Maule to Mr Burn.

Lincoln's Inn, *September* 14, 1832.

Sir, — By the directions of Lord Goderich I have obtained and enclose a sample of the different sorts of paper used at the Colonial Office. I have also inquired at the Foreign Office, and do not find that Lord Granville, in any communication to that office, ever uses a seal such as described in your letter to Lord Goderich of the 6th instant. I have further to acquaint you, that, although Lord Goderich will be open to receive and consider any proofs which may be adduced in support of the charge which you have made; yet, as it does not appear to him that even a *primâ facie* case of suspicion is made out that the note in question ever proceeded from his office, he does not feel himself called upon to take any farther steps in the inquiry. — I am, Sir, &c. &c.

(Signed) George Maule.

Mr Burn to Mr Maule.

Raymond Buildings, *September* 15, 1832.

Sir, — In acknowledging the receipt of your favour of yesterday, I shall not press farther than for a distinct denial that the envelope is to be found now in existence. This has never yet been done. On the contrary, an undertaking has been given to send it if it could be found. — I remain, Sir, &c. &c.

(Signed) J. I. Burn.

Geo. Maule, Esq.

We are now arrived at the close of the correspondence, that has led to less, probably, than any reader of it could have anticipated. On reviewing it, let us see what single step was taken at the Colonial Office to prosecute the inquiry. The request was made there, in the first instance, to have the letter for the purpose. The return of it the next day, merely reiterating what had been verbally stated the day before, that it was a forgery, was nothing, and that Lord Goderich did not know the writer, being, if possible, less. Why, how was it to be known, but by inquiry in every possible quarter? And how was that inquiry to be directed but by agents fitted for the purpose? And who so likely to procure such

assistance as an accredited officer of the Government? This must strike every one who reads the preceding statement. But when an individual was expressly charged with the fact, what means were taken to rebut it? He, of all other mortals in existence, was called upon to exert himself to discover the cheat, and he, be it ever borne in mind, was the party who, in the outset, cast aside or destroyed one of the most essential evidences to go on with, the seal and the envelope. This was all done in pure innocence and carelessness, not thinking the seal of any consequence, &c. In proportion as the thing was pressed, in the like proportion was the effectual inquiry repressed, and not a particle of assistance rendered, where all the business of investigation should have been, as proposed, at first carried on. Let the reader attend to this very particular fact, that the seal, this thing of no importance, thrown aside as useless, was yet so minutely inspected and alluded to, that it was reiterated on all hands that it was a Viscount's seal, the coronet over the letter G; that it could not, therefore, be Earl Grey's, and yet no seal of any body's had been procured hitherto by any means, (no means probably having been used,) to ascertain whose it was. Now, surely it would have been no difficult task to procure the seals of Lords Viscount Granville, Gormanston, Gage, Galway, Gort, Guillamore, Garlies, Glandine, Glenorchy, Grey de Wilton, Grimston and Guernsey, for to whom else, beside Lord Goderich, in the list of Viscounts could it actually belong? Let us take the matter in another point of view, and say there was no sort of inclination on the part of the office to pursue the subject, and what course was more natural than the one actually adopted? We, it is true, request the forged letter of you, in order professedly to detect the cheat, but we return it to you the very next day, shorn of its readiest means of so doing. We then cast on you the burden of the proof, having thus lessened your power to succeed. We stir not a single step further, but doubt all your statements, inferences, charges. We, the professed pursuers of guilt, and discoverers of the forgery, render every step you take less easy and more embarrassing, and we must even have a history of motives that could lead so honourable a man to so dishonourable an act. Well, but step by step, all that could be given had been given, even up to the latter point, and what single advance had the Office made, from the outset of the correspondence to its final resting place with Mr Maule, who thought that even a *primâ facie* case had not been made out, which a dozen persons were ready to swear to, and who still stuck at the threshold himself, and made no further advance. What other possible inference could the most liberal mind draw on the occasion, but the inevitable inference that an innocent man would stir heaven and earth to remove such a stain off his shoulders, whilst a guilty one would equally strive to quash, in every way he could, all further inquiry on so harassing a subject? *

* None of the sheets of paper transmitted from the Colonial Office, being identical with that of the forged letter, on stating this, more were sent, still omitting the one sort actually wanted. A sheet was procured that was of exactly the same maker from another quarter, and it is what is called government and contract paper.

No. X.

Return to an Order of the Right Honourable the Lords Spiritual and Temporal in Parliament assembled, of the 23d of August, 1831, *requiring "that there be laid before this House a Copy of the Union Roll of the Peerage of Scotland, and a List of all those Peers who voted at all General Elections since the Year* 1800, *distinguishing each Election;" — ordered to be printed 5th September,* 1831.

It may be proper to premise, that on the 22d of December, 1707, it was ordered by the House of Lords,* that the Lord Register of Scotland "do forthwith lay before this House an authentic List of the Peerage of that part of Great Britain called Scotland, as it stood the first day of May last;" and a List, duly attested by the Lord Register, having been accordingly returned, was, on the 12th of February, 1708,† considered by the House in Committee, and thereafter reported to the House, read, and entered in the Roll of Peers.

Again, by an order of the House of Lords, dated 12th of June, 1739,‡ the Lords of Session in Scotland were required "to make up a Roll or List of the Peers of Scotland at the time of the Union, whose Peerages are still continuing; and do lay the same before this House in the next Session of Parliament."

In the Return made to this order, which was laid before the House on the 11th of March thereafter, and ordered to be printed,§ there was given a Roll of the Peers of Scotland, as used in the Parliament of 1706, and also a list of Peers as modified by subsequent attainders, or by the restoration of dormant Peerages.

Since the date of that return, further alterations on the Roll of the Peers of Scotland have been made, in obedience to the successive Orders of the House of Lords; and as it now stands, and was used at the last General Election on the 3d day of June, 1831, it is as follows:—

* Journals, vol. xviii. p. 399.
† Ibid. vol. xviii. p. 458.
‡ Ibid. vol. xxv. p. 416.
§ Ibid. vol. xxv. p. 477.

ROLL OF THE PEERS OF SCOTLAND.

H. R. H. the Prince of Wales, Duke of Rothsay.

Dukes.—Hamilton.
Buccleuch.
Lennox.
Gordon.
Queensberry.
Argyle.
Douglas.
Atholl.
Montrose.
Roxburgh.

Marquises.—Queensberry.
Tweeddale.
Lothian.
Annandale.

Earls.—Craufurd.
Errol.
Marischall.
Sutherland.
Mar.
Monteith.
Rothes.
Morton.
Buchan.
Glencairn.
Eglinton.
Cassilis.
Caithness.
Moray.
Nithsdale.
Wintoun.
Linlithgow.
Home.
Perth.
Wigtoun.
Strathmore.
Abercorn.
Kellie.
Haddintoun.
Galloway.
Lauderdale.
Seaforth.

Earls.—Kinnoull.
Loudon.
Dumfries.
Stirling.
Elgin.
Southesk.
Traquair.
Ancram.
Wemyss.
Dalhousie.
Airlie.
Findlater.
Carnwath.
Callender.
Leven.
Dysart.
Panmure.
Selkirk.
Northesk.
Kincardine.
Balcarres.
Forfar.
Aboyne.
Newburgh.
Kilmarnock.
Dundonald.
Dunbartoun.
Kintore.
Breadalbane.
Aberdeen.
Dunmore.
Melvill.
Orkney.
Ruglen.
March.
Marchmont.
Seafield.
Hyndford.
Cromarty.
Stair.
Rosebery.
Glasgow.
Portmore.

Earls.—Bute.
Hopetoun.
Deloraine.
Solway.
Ilay.

Viscounts.—Falkland.
Dunbar.
Stormont.
Kenmore.
Arbuthnott.
Kingstoun.
Oxfurd.
Irvine.
Kilsyth.
Dunblane.
Preston.
Newhaven.
Strathallan.
Teviot.
Dupplin.
Garnock.
Primrose.

Lords.—Forbes.
Saltoun.
Gray.
Ochiltree.
Cathcart.
Sinclair.
Mordingtoun.
Sempill.
Elphingstone.
Oliphant.
Lovat.
Borthwick.
Ross.
Somerville.
Torphichen.
Spynie.
Lindores.
Balmerinoch.
Blantyre.
Cardross.
Colville of Culross.

Lords. —	Cranstoun.	Lords. —	Pitsligo.	Lords. —	Colville.
	Burghlie.		Kircudbright.		Ruthven.
	Jedburgh.		Fraser.		Rotherfurd.
	Madertie.		Bargany.		Ballenden.
	Dingwall.		Banff.		Newark.
	Coupar.		Elibank.		Nairn.
	Napier.		Halkertoun.		Eymouth.
	Cameron.		Belhaven.		Kinnaird.
	Crammond.		Abercrombie.		Glassfurd.
	Reay.		Duffus.		
	Forrester.		Rollo.		140

GENERAL ELECTION, 2d September, 1830.

The Peers present who voted, were—

Duke of Buccleuch and Queensberry.		Earls. —	Kintore.	Lords. —	Gray.
Earls. —	Home.		Rosebery.		Sinclair.
	Strathmore.		Hopetoun.		Elphinstone.
	Lauderdale.	Viscounts. —	Arbuthnott.		Colville of Culross.
	Leven & Melville.		Strathallan.		Cranstoun.
	Selkirk.	Lords. —	Forbes.		Napier.
	Northesk.		Saltoun.		Kinnaird.

The Peers who voted by Proxy, were—

Dukes. —	Argyll.	Earls. —	Morton.	Lords. —	Belhaven.
	Atholl.		Breadalbane.		Nairn.
Marquis. —	Tweeddale.				

The Peers who voted by signed Lists, were—

Dukes. —	Hamilton.	Earls. —	Stirling.	Viscounts. —	Dunblane.	
	Lennox.		Elgin&Kincardine	Lords. —	Cathcart.	
	Gordon.		Wemyss & March.		Sempill.	
	Montrose.		Airlie.		Somerville.	
Marquises. —	Queensberry.		Balcarres.		Torphichen.	
	Lothian.		Aboyne.		Blantyre.	
Earls. —	Errol.		Aberdeen.		Reay.	
	Mar.		Dunmore.		Forrester.	
	Cassilis.		Stair.		Rollo.	
	Caithness.		Glasgow.		Ruthven.	
	Moray.	Viscounts. —	Falkland.			64
	Kinnoull.		Stormont.			
	Dumfries & Bute.		Kenmore.			

GENERAL ELECTION, 3d June, 1831.

The Peers present who voted, were—

Duke of Buccleuch and Queensberry.

Marquises.—Queensberry.
Tweeddale.
Lothian.

Earls.—Errol.
Morton.
Buchan.
Home.
Strathmore.
Haddington.
Lauderdale.
Stirling.
Airlie.
Leven and Melvill.
Selkirk.
Kintore.
Hopetoun.

Viscounts.—Falkland.
Arbuthnott.
Strathallan.

Lords.—Forbes.
Saltoun.
Elphinstone.
Torphichen.
Colville of Culross.
Napier.
Belhaven.
Rollo.
Ruthven.
Kinnaird.

The Peers who voted by Proxy, were—

Dukes.—Lennox.
Argyll.
Montrose.

Earls.—Cassilis.
Breadalbane.
Aberdeen.
Dunmore.
Rosebery.
Glasgow.
Portmore.

Lords.—Gray.
Cranstoun.
Reay.
Nairn.

The Peers who voted by signed Lists, were—

Dukes.—Hamilton.
Gordon.

Earls.—Caithness.
Moray.
Kinnoull.
Dumfries & Bute.
Elgin & Kincardine
Wemyss & March.
Balcarres.
Aboyne.
Stair.

Viscounts.—Stormont.
Kenmore.

Viscounts.—Dunblane.

Lords.—Somerville.
Forrester.
Kirkcudbright.

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The preceding return, extracted from the records in his Majesty's General Register House, at Edinburgh, is attested by me, clerk to his Majesty's Councils, Registers, and Rolls.

W. Dundas, Cl. Reg.

Arniston, *August* 31, 1831.

PEDIGREE OF THE FAMILY OF ALEXANDER, EARLS OF STIRLING AND DOVAN.

1836.

SOMERLED, King of the Isles, and Thane of Argyll. Temp. Malcolm IV. Killed in battle, circa 1164. = EFFRICA, Daughter of Olavus the Swarthy, King of Man, and Granddaughter of Harold Harfager, King of Denmark.

1. Gillecolane, slain with his father, 1164.

2. Reginald, King of Man and the Isles, ob. circa 1221. = Fonia, Daughter of .....

3. Angus.

4. Olavus.

1st daughter = Wimund, Earl of Moray.

2d daughter.

1. Olavus, King of Man and the Isles, ob. without issue.

2. Dovenald or Donald, King of the Isles, ob. circa 1270. =

Roderick.

1. Angus, Lord of the Isles, the first of his race who acknowledged himself a subject of the Kings of Scotland. He was ancestor of the Earls of Ross, Lords of the Isles, Lords Macdonald, Earls of Antrim, &c. &c. &c. Ob. circa 1285.

2. Alexander Macdonald, founded the tribes or clans of Macalister of Loup, in Argyllshire, and of Alexander of Menstrie; whose descendants took the surname of Alexander. Ob. circa 1296. From him proceeded in lineal descent,

=

Duncan de Yle, or Alexander,

=

John de Yle, or Alexander.

=

..... Alexander.

=

..... Alexander, 1st Baron of Menstrie.

=

..... Alexander, 2d Baron of Menstrie.

=

Thomas Alexander, 3d Baron of Menstrie, vixit 6th March 1505.

=

Andrew Alexander, 4th Baron of Menstrie, ob. ante 20. April 1530. = Catherine Graham.

1. Alexander Alexander, 5th Baron of Menstrie, ob. 1545. = Elizabeth, daughter of Thomas Douglas of Lochleven, Esq.

2. Andrew Alexander.

1. Andrew Alexander, 6th Baron of Menstrie. =

2. William Alexander, had charters of the lands of Clow, Perthshire, 4th October 1539, and 28th May 1542. = Janet Marshall.

Isobel, wife of James Muschet of Torrie, Esq.

1. Alexander Alexander, 7th Baron of Menstrie, ob. 1594. =

2. John Alexander.

3. James Alexander.

Isobel.

1. Sir William Alexander of Menstrie, Knight, Master of Requests to King James VI.; Knighted 1614. = Janet, Daughter of Sir William Erskine, Knight, Titular Archbishop of Glasgow, grandson of Robert, 4th Earl of Mar. Ob. post 1655.

Created
- 10th Sept. 1621. *Hereditary Lieutenant, &c. of Nova Scotia, with precedency of all Baronets.*
- 4th Sept. 1630. *Lord Alexander of Tullibodie, and Viscount of Stirling.*
- 14th June 1633. *Viscount of Canada, and Earl of Stirling.*
- 30th July 1637. *Earl of Dovan, with precedency from 14th June 1633.*

Privy Councillor, and Principal Secretary for Scotland, 1626. Keeper of the Signet, November 1627. A Lord of Session, 28th July 1631. Died at London, 12th February 1640, and was buried at Stirling.

2. Andrew Alexander, ob. ante 10. July 1647.

1. William, Lord Alexander, A Lord of Session, 27th Jan. 1635, ob. at London, 18th May 1638, and was buried at Stirling. = Margaret Douglas, daughter of William, Marquis of Douglas, ob. 1st Jan. 1660.

2. Sir Anthony Alexander, Knight, Master of Works in Scotland; married a daughter of Sir Henry Wardlaw of Pitreavie, Bart. Ob. at London, 17th Sept. 1637, without issue, and was buried at Stirling.

3. Henry, 3d Earl of Stirling, ob. ante 16th Aug. 1644. = Mary, daughter and co-heir of Sir Peter Vanlore of Tylehurst, co. Berks, Bart.

4. John, settled in Ireland, post 1643, ob. 1666. = Agnes, daughter of Robt. Graham of Gartmore, Esq.

5. Charles, married Ann Drurie.

6. Ludovick, ob. in infancy.

7. James, married Grizel Hay, ob. ante Feb. 1678.

1. Jean, ob. ante Nov. 1670. { 1st = Hugh, 2d Viscount Montgomery of Ards. 2d = Major-General Robt. Munro.
2. Mary, = Sir William Murray of Clermont, Bart.
3. Elizabeth, ob. ante Dec. 1642, unmarried.

Margaret, wife of Jas. Gordoun, Esq. Keeper of the Signet.

William, 2d Earl of Stirling, ob. May 1640, æt. 8.

Judith, daughter of Robert Lee of Binfield, co. Berks, Esq. 1st wife. = Henry, 4th Earl of Stirling, ob. Feb. 1691. = Priscilla, daughter of ..... and widow of Sir Robert Reynolds, 2d wife.

John, ob. at Templepatrick, co. Antrim, 19th Ap. 1712, and was buried at Newtownards. = Mary, daughter of Rev. Hans Hamilton, ob. 1st June 1724, and was buried at Bangor, co. Down.

Janet.

Charles, ob. without issue.

1. Margaret, ob. ante Feb. 1678, without issue.

2. Jean, wife of Rev. Henry Scrymgeor.

1. Henry, 5th Earl of Stirling, ob. 4th Dec. 1739, without issue, and was buried at Binfield. = Elizabeth, daughter of ..... and widow of John Hobby of Bisham, co. Berks, Esq.

2. William, ob. 1666.

3. William, ob. 1699.

4. Robert, ob. 1710.

5. Peter, ob. 1678.

6. Peter, ob. 1729.

John, 6th Earl of Stirling, ob. at Dublin, 1st Nov. 1743. = Hannah, daughter of Rev. John Higgs, ob. 5th Oct. 1768.

1. Mary, ob. unmarried.
2. Elizabeth, = John Morice Skinner, Esq. ob. 7th Jan. 1711.

1. John, 7th Earl of Stirling, ob. 29th Dec. 1765, unmarried.

2. Benjamin, 8th Earl of Stirling, ob. at London, 18th April 1768. unmarried.

1. Mary, Countess of Stirling, ob. 28th April 1794, unmarried.

2. Hannah, ob. 17th Sept. 1738, unmarried.

3. Elizabeth, ob. Oct. 1737, unmarried.

4. Hannah, Countess of Stirling, ob. at Worcester, 12th Sept. 1814. = William Humphrys of the Larches, co. Warwick, Esq. ob. at Verdun, in France, 1st May 1807.

Alexander, obtained his Majesty's licence to take the name of Alexander, 9th and present Earl of Stirling and Dovan. = Fortunata, daughter of Signor Giovanni Bartoletti, of Naples, descended of the noble Milanese family of the same name.

Alexander, Viscount Canada.

Charles.

Eugene.

William.

John.

Angela, wife of W. W. Pearson, Esq.

GENEALOGICAL ACCOUNT

OF THE

FAMILY OF ALEXANDER,

IN SCOTLAND,

EARLS OF STIRLING AND DOVAN, &c.

INTRODUCTORY NOTICE.

The following account of my family is now for the first time laid before the public, by the particular desire of several influential friends, to supply the want of such information in the modern Peerages of Debrett, Lodge, and others, whose editors have constantly refused to notice my title, and, I am told, are even pleased to consider it as not existing! With remarkable consistency, those gentlemen insert in their works, without the slightest comment or observation, all the Scottish titles borne (certainly with perfect propriety and right) by Peers, who, as I have shewn in my separate Narrative, hold precisely the same tenure of them as I do of mine, and never had them confirmed or "admitted" by the House of Lords. If those writers were asked to assign one *fair* and *valid* reason for excluding my titles, they would be not a little puzzled; though, I dare say, their ingenuity would suggest plenty of invalid ones, which might appear satisfactory to some of their readers. But believing that I understand their motives, I want no explanations. I cannot suppose any of these gentlemen really desirous of injuring me, as I never had the honour of communicating in a direct manner with them, and therefore cannot have provoked their hostility; but I think they have imbibed the world's prejudices on the subject of my peerage; and I also think that representations have been made to them by persons in power, as well as by certain noble families, for the express purpose of preventing that sort of enrolment of my honours and lineage in the same books which contains theirs. Fortunately, such books are not authorities, or otherwise valuable than for occasional reference; and, compared with questions of more importance, I find it easy to reconcile my temper and feelings to such anomalies. I only protest against the exception made, on the score of its invidious character and unfairness. As for the arrogance which looks upon *me* as unworthy to be enrolled with other Peers, I pity the littleness of mind and want of judgment which such conduct betrays. Such persons ought to know that no omission of my titles in books of Peerage, or in the Kalendars of the year, can, or will despoil me of them.

GENEALOGICAL ACCOUNT

OF THE

NOBLE FAMILY OF ALEXANDER,

IN SCOTLAND.



Antiquaries and Genealogists trace this family from a very early period, deducing it from Somerled, King of the Isles, who lived in the time of Malcolm the Fourth, and was slain in battle about the year 1164. He left by his wife, Effrica, daughter of Olavus the Swarthy, King of Man, a son, Reginald, King of Man and the Isles,* father of Donald, whose eldest son, Angus, Lord of the Isles, was ancestor of the Earls of Ross and of Antrim, and of the Lords Macdonald. His second son, Alexander Macdonald, founded the tribes or clans of Macalister of Loup, in Argyllshire, and of Alexander of Menstrie. This Alexander Macdonald was lineal ancestor to

* Vide Sir Walter Scott's very entertaining and curious notices of this family, in the notes to his Poem, "*The Lord of the Isles.*"

Thomas Alexander, of Menstrie, in the shire of Clackmannan, who flourished in the reign of King James the Fourth of Scotland. His son, Andrew, was father of Alexander Alexander, who, by his wife, Elizabeth, grand-daughter of Sir Robert Douglas of Lochleven, had a son, Andrew, father of another Alexander Alexander, who lived to an advanced age, and left issue at his death in 1594, beside a younger son Andrew, William, afterwards Sir William, his eldest son and heir, founder of the Stirling honours.

This Sir William Alexander, from his infancy, was much distinguished for quickness of parts and pregnancy of talent, which led to his introduction at Court, where his accomplishments, and particularly his poetical taste, speedily raised him to a high degree of favour with his Sovereign.

On the accession of King James the Sixth to the throne of England, he followed the Court to London, and there, in 1604, published a quarto volume of Poems, Plays, &c.; and afterwards wrote a variety of other works. He was soon advanced to be one of the Gentlemen Ushers of the presence to Prince Charles, and further was appointed by his Majesty, Master of Requests, and knighted. From this period, he is lost sight of as a poet, but he is found busily engaged in a series of worldly projects and engagements. The object which first attracted his attention was the settlement of a colony in North America, in a part of the Council of New England's patent from King James, which they were desirous of surrendering. Of this great tract of country he had a Royal Grant, dated at Windsor, the 10th September, 1621, by which the said country was then given to him to hold hereditarily, with the office of hereditary Lieutenant, and other high offices, and was thenceforth to be called Nova Scotia.

This grant, after the death of King James, was confirmed by King Charles the First, who, by a charter dated at Oatlands, the 12th July, 1625, ordained Sir William Alexander, and his heirs, in the office of Lieutenant aforesaid, to have *precedence of all Baronets* of the recently instituted order of Nova Scotia, or more correctly, perhaps, to be the hereditary Grand Masters of the order. His Majesty likewise, by letter to his Privy Council of Scotland, dated 19th July, 1625, fixed the quantity of land that Sir William might grant to the said Baronets as the qualification, and to sustain the title, to be 'thrie myles in breadth, and six in lenth, of landis 'within New Scotland, for their several proportions.' A few of the patents by which Sir William Alexander exercised his power of creating Baronets of Nova Scotia are preserved; but, as some persons have attempted to deny that such extensive privilege was ever given to him, it may not be amiss to quote the clause in the Charter, by which he and his heirs were empowered to do so, and even to confer any titles they might please in Nova Scotia. These are the words: 'And that 'men of honourable birth may be incited to the undertaking of that expedition, 'and the settling of planters in the said lands, we, for us, and our heirs and 'successors, with advice and consent aforesaid, in virtue of our present Charter, 'give and grant free and full power to the aforesaid Sir William Alexander 'and his foresaids of conferring favours, privileges, offices, and honours, on the

'deserving, with plenary power of disponing and overgiving to them, or any of 'them who shall happen to make the foresaid agreements or contracts for the 'said lands with him, Sir William, and his foresaids, under his subscription or 'theirs, and the seal under mentioned, any portion or portions of the said lands, 'ports, naval stations, &c. Also of giving, granting, and bestowing, such offices, 'titles, rights, and powers, &c. as shall seem to him and his foresaids expedient,' &c. And again, in another clause, they were authorized to make grants and infeftments, &c. by 'whatever styles, titles, and designations, shall seem to them 'fit, or be in the will and option of the said Sir William Alexander and his 'foresaids, which infeftments and dispositions shall be approved and confirmed 'by us and our successors, freely, without any composition to be paid therefor.'

More evidence of the power granted to Sir William and his heirs, to confer titles, cannot be needed. The fact has been disputed, probably on the ground that the grants of such title of Baronet, though following, in the first instance, in consequence of the voluntary surrender of Sir William, before or after he became Lord Stirling, were afterwards held of the Crown, by charter of *novodamus* to the respective parties. That is certain; but no Baronet obtained such grant from the King, without having previously obtained the portion of lands for its qualification, from the grantee of the Crown, who was lord proprietor of the country.

In 1626, Sir William Alexander was appointed Principal Secretary of State for Scotland. On the 2d of February, 1628, he had another Charter, under the Great Seal of Scotland, in which he was described as the King's Hereditary Lieutenant of Nova Scotia, and had a grant of certain islands and territories, the bounds of which were most extensive; and the whole were erected into an entire and free Lordship, then, and at all times thereafter, to be called and designated the "Lordship of Canada," from the great river then bearing that name, and on both sides of which lay the territories granted. This colony, and likewise that of Nova Scotia, were founded and established at the sole private expense of Sir William Alexander, the grantee; and both grants were confirmed to him by the Parliament of Scotland in 1633.

On the 4th of September, 1630, he was created Lord Alexander of Tullibodie, and Viscount of the town of Stirling, in the kingdom of Scotland; and afterwards, with a view to perpetuate the name of the lordship of Canada in his family, the King, by other letters patent, dated the 14th June, 1633, created him Viscount of Canada, and Earl of Stirling. In 1637, by a Privy Seal precept, dated 30th July, the Earl was created Earl of Dovan in Scotland, with precedency from June, 1633; but the year following, his eldest son and heir, William, Lord Alexander, having died, he made a surrender of all his honours and estates into the hands of King Charles, who, by a charter of *novodamus*, under the Great Seal of Scotland, dated the 7th of December, 1639, regranted them to the Earl, to hold to himself and the heirs male of his body, whom failing, to the eldest heirs female, without division, of the last of such heirs male, and to the heirs male

of the bodies of such heirs female respectively. Shortly after this, he died, in February, 1640.

By Janet, his wife, daughter and heiress of Sir William Erskine, Knight, the Earl had seven sons and three daughters. Of the sons, Anthony, the second, was knighted, and died before his father, without issue; Henry, the third, became Earl, as hereafter mentioned; John, the fourth, was ancestor to the present Earl; Charles, the fifth, had an only son, Charles, who died without issue; Ludovick, the sixth, died in infancy; and James, the youngest, died without issue male.

William, Viscount Canada and Lord Alexander, the eldest son, died, as before mentioned, in 1638, in the lifetime of his father, leaving an only son, William, who succeeded his grandfather as the second Earl, but died within six months after, under eight years of age; whereupon his uncle Henry, as heir of tailzie and provision, in virtue of the charter of *novodamus*, became possessed of the Earldom. He died in 1644, leaving an only son, another Henry, who was the fourth Earl, and died in 1691, leaving issue four sons, whereof Henry, the eldest, succeeded as the fifth Earl, but died without issue, 4th December, 1739; when his three younger brothers having also died without issue in his lifetime, the titles devolved upon his second cousin, the Rev. John Alexander of Dublin, only son and heir of John Alexander of Antrim, only son and heir of the Honourable John Alexander of Gartmore, fourth son of William, the first Earl of Stiring; which John, after the decease of his father, had settled in Ireland, whither his mother, the Dowager Countess, had previously gone to reside with her favourite daughter, Lady Jean, married to Hugh, the second Viscount Montgomery, in that kingdom.

The Rev. John Alexander, who succeeded as the sixth Earl of Stirling, only survived his cousin, Earl Henry, about four years, having died at Dublin, the 1st of November, 1743, leaving two sons, John and Benjamin, and two daughters, Mary and Hannah, all infants, and the eldest son not eight years old.

John, the eldest, became the seventh Earl, and died unmarried in 1765, when he was succeeded by his brother, Benjamin, the eighth Earl, who also died unmarried, in 1768, when, by the decease of these two young noblemen, the family honours devolved upon their eldest sister, Mary, who died likewise unmarried in 1794, when she was succeeded as Countess of Stirling, by her only surviving sister, Hannah, then the wife of William Humphrys, of the Larches, in the county of Warwick, Esquire. She died on the 12th of September, 1814, leaving the present Earl, her only son, and two daughters.

Thus, the title of Earl of Stirling was dormant in female succession nearly fifty years, which, with previous circumstances of non-assumption of the honours by the seventh and eighth Earls, may be considered as the true cause of omission of this Earldom in many past editions of the printed Peerages of the United Kingdom.

Alexander, now the ninth Earl of Stirling, was served heir to his mother, Hannah,

last Countess, on the 7th of February, 1826; nearest lawful heir in general of his great-great-great-grandfather, William, the first Earl of Stirling, on the 11th of October, 1830; nearest lawful heir of tailzie and provision to the same, on the 30th of May, 1831, under the Privy Seal precept, to take up the Earldom of Dovan, which was granted with special limitations to the first Earl of Stirling and his heirs of provision; and, finally, on the 2d July, 1831, nearest lawful heir in special of the before mentioned William, the first Earl of Stirling, to take up the fee that was vested in him of the lands conveyed by the first mentioned charters, and upon which service, and a royal precept directed out of Chancery, he received, on the 8th of the same month, in terms of the same charters, from the Sheriff of Edinburgh, (representing his Majesty,) actual livery of seisin of and in the same lands, thereby completing his title to them.

It has been shewn, in other parts of the separate work above referred to, that the present Earl has observed all and every the forms of law, and done every act required by ancient custom and the laws of Scotland, to invest himself with the Peerage dignity. His Lordship voted first, on the 2d of June, 1825, at the election of James, Viscount of Strathallan, as a representative Peer, in the room of the Earl of Balcarres, deceased. He has since voted at several general elections; the last time on the 10th of February, 1835.

The Earl was born 21st June, 1783; married, 4th January, 1812, Fortunata-Maria-Gertrude, only daughter of Signior Giovanni Bartoletti, of Naples, by whom he has had issue:—

1. Alexander-William-Francis, Viscount Canada, born 11th November, 1812.
2. Charles-Louis, born 13th January, 1814.
3. Lady Angela-Eliza, born 25th July, 1815; married in Scotland, 19th March, 1835, to William Wilberforce Pearson, Esquire of Scraptoft Hall, county of Leicester.
4. Eugene-John, born 23d December, 1816.
5. Lady Clara-Sophia-Fortunata, born 16th October, 1818; died 25th January, 1823.
6. Alfred-William, born 24th October, 1820; died 31st January, 1823.
7. William-Donald-Stapleton, born 19th March, 1826.
8. John-Hamilton, born 5th August, 1829.

His Lordship succeeded to the Peerage upon the decease of his mother, 12th September, 1814, but did not publicly resume the titles until his Majesty's proclamation, dated 20th April, 1825, for summoning the Peers of Scotland to assemble and meet at Holyrood House, on the 2d of June following, appeared in the Gazette.

Name and Titles.—Alexander Alexander, Earl of Stirling and Dovan, Viscount of Stirling and Canada, Lord Alexander of Tullibodie, His Majesty's hereditary Lieutenant of Nova Scotia, &c. &c.

Dates of Creations. — 10*th September*, 1621. Hereditary Lieutenant General of the Country and Dominion of Nova Scotia.

12*th July*, 1625.—Justice General; High Admiral and Lord of Regality; also Hereditary Steward, within the said Country.

4*th September*, 1630. Lord Alexander of Tullibodie, and Viscount of the Town of Stirling.

14*th June*, 1633.—Viscount of Canada and Earl of Stirling.

30*th July*, 1637.—Earl of Dovan, with precedency from 14th June, 1633.

7*th December*, 1639.—Charter of *Novodamus.*

Arms.—Quarterly; 1st and 4th party per pale, *argent* and *sable*, a chevron, and in base a crescent, all counterchanged, for Alexander; 2d and 3d, *or*, a ship with the sails furled up *sable*, between three cross crosslets fitchee *gules*, for Macdonald; and over all, in surtout, the badge of a Baronet of Nova Scotia, which is *argent* on a saltier *azure* the royal arms of Scotland, ensigned on the top with an imperial crown proper.

Supporters. — On the dexter side, an Indian man, with long hair, and a dart in his right hand, having a plain circle or rim of gold on his head, with a plume of seven feathers *or* and *azure*, and round his waist a like circle and feathers; on the sinister, a mermaid, with her comb and mirror, all proper.

Crest.—On a wreath, a bear sejant, erect, proper.

Mottoes. — PER MARE, PER TERRAS; and, over the crest, AUT SPERO, AUT SPERNO.

AN

HISTORICAL VIEW

OF

THE PROVINCE OF NOVA SCOTIA,

AND OTHER TERRITORIES IN AMERICA;

AND

ACCOUNT OF THE GRANTS OF THOSE TERRITORIES,

WITH THEIR DEPENDENCIES, &c.

IN FAVOUR OF

SIR WILLIAM ALEXANDER, EARL OF STIRLING,

&c. &c. &c.

PRINCIPAL SECRETARY FOR SCOTLAND, IN THE REIGN OF CHARLES THE FIRST:

WITH PROOFS,

FROM PUBLIC RECORDS, AND OTHER AUTHENTIC SOURCES OF INFORMATION.

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PREFACE.

A Royal Charter was passed in favour of Sir William Alexander, the first Earl of Stirling, in September 1621, containing a grant to him of an extensive tract of land, under the name of Nova Scotia, in America, which he undertook to colonize. With some sinister views, however, it has been alleged, that after the date of the charter *either* the territory of Nova Scotia was ceded by treaty to France, and the whole grants made to Sir William Alexander, or to others, thereby lapsed, and were not revived when the province was retroceded, *or*, if he ever had attained possession, he was completely and for ever deprived of it in consequence of his own act.

Both of these alternative positions, distant as they are alike from the truth and from each other, have been taken up, it must be acknowledged, not without a semblance of authority. One historian sets forth, that by the treaty of St Germain, " King Charles gave up all Canada and Nova Scotia, " with Port Royal and Cape Breton, to the French *." Further, the Agent of the United States, in conference with the British Commissioners acting under the treaty of Ghent, of 24th December 1814, maintained, that by the peace of St Germain " the King had ceded all Acadia to the French †."

But the supporters of that hypothesis omitted to explain how King Charles came to be in the right of the territory of Nova Scotia, so that it was in his power to deliver it to the French; or how, seeing Sir William Alexander, and not his Majesty, was truly in the right of Nova Scotia, any effective cession of it could be made under a compact to which Sir William Alexander was not a concurring party.

In the next place, and as if to escape from the dilemma involved in the theory just mentioned, another historian states, that Sir William Alexander,

* Prince.

† Memorial of Agent of the United States, Foreign Office, London; and Secretary of State's Office, Boston.

" in the year 1630, aliened his patent and government to the French Crown, " and upon selling his patent the King of France granted to Mons. De la " Tour all the country of Acadie and Nova Scotia *."

This statement has at least the merit of being consistent with the fact, that Sir William Alexander continued to retain his right of property in Nova Scotia. Still there never existed a particle of ground for asserting that he, in any manner, or at any time, in 1630 or afterwards, divested himself of his patent. On the contrary, the assertion is disproved by various circumstances of real evidence; but to give a just and exact relation of these, a considerable minuteness of detail seemed to be required. All controversial discussion of the opposite statements has been, for the most part, avoided; but in respect only to what the author last referred to has advanced, let it be remarked, that it is supposed he had some information that Mons. De la Tour obtained a grant connected with Nova Scotia, which it is certain that person did of a portion of lands lying there; but it was from Sir William Alexander that he obtained it. A full copy of the grant will be found in the Appendix †.

In the last place, the attention of the reader is requested to a description of the grants which were conferred on Sir William Alexander, as it is given by M. D'Anville, the accurate French geographer, in his great chart or map of North America, published in 1755, and Memoir relative thereto. " Nova " Scotia usurped by the French in 1603,—they forced out by Argal in " 1613; granted in 1621 to Sir William Alexander; and the boundaries " were St Lawrence river on the north, and the west St Croix. By a second " grant, in 1635, it was enlarged to Kenebec river, to co-extend Nova " Scotia with Acadia." Hence it follows incontestably, that the assertion that Sir William Alexander, in the year 1630, alienated or sold his patent of Nova Scotia must fall to the ground, as he could not have wanted the grant in 1635 to enlarge a country that he had already disposed of.

The compendious account of the first settlement of Canada has been taken in great part from the recital in the Edinburgh Encyclopædia, which appeared to be at once the most apposite and comprehensive on the subject.

* Sullivan, p. 174. † No. XIX.

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Distance in English Miles from Quebec to Halifax.

								Quebec.
							Fredericton.	355½
						St Johns.	82	437½
					Digby.	36	118	473½
				Annapolis.	20	56	138	493½
			Wilmot	Gibbon.	31	51	87	169	524½
		Kentville.		29	60	80	116	198	553½
	Windsor.	27		56	87	107	143	225	580½
Halifax.	45	72		101	132	152	188	270	625½

ERRATA.

Page 19, last line but four, delete ' of '

—— 30, last line but nine, *for* degree, state, *read* degree, dignity, state.

—— 53, line 20, *for* hiten *read* in the.

AN

HISTORICAL VIEW,

&c.

CHAPTER I.

HISTORY OF THE PROVINCE OF NOVA SCOTIA, IN AMERICA, GRANTED BY KING JAMES THE SIXTH OF SCOTLAND TO SIR WILLIAM ALEXANDER, ON THE SURRENDER OF THE PLYMOUTH COMPANY, AND CONVEYED BY CHARTER, IN THE 55TH YEAR OF HIS REIGN.

THE continent of North America was discovered in June 1497, by Sebastiano Cabota or Cabot, a Venetian, who took possession of Newfoundland, and the whole coast from that island to Cape Florida, in the 25th degree of north latitude, for the Crown of England. The King of England, Henry VII, notified to the powers of Europe the possession so taken; and in this light they understood Cabot's discovery, and that it excluded their commissions and navigators from all the coast; for until a thirst of dominion, and a rivalship in trade and navigation, prompted the French to set on foot commissions for wresting from other Christian nations their possessions in the New World, no attempt of that sort was made within the above-mentioned limits. In 1604, however, favoured by the indolence of the English, and their want of attention to the improvement of their American acquisitions, the French, under the conduct of Samuel Champlain, a naval officer, stole up the Gulf and River of St Lawrence, and having settled at, and abandoned, by turns, various places, they, in 1608, founded Quebec, on the north bank of the river, and there fortified themselves; by the effect of which, they obtained possession, in that quarter, of an extensive tract of country, thereafter called Canada.

Under the discovery by Cabot, the continent was at one time and another divided into several provinces and districts, of which Nova Scotia is the most eastern. It was first settled by the English before the year 1602.

On 10th April 1606, King James before mentioned, by letters-patent, granted

that part of the continent of America which lay between 34 and 45 degrees of north latitude, and all the northern and larger part of which appears to have been then known by the name of *New England*, to Sir Thomas Gates and others, with permission to divide themselves into two companies or corporate bodies, the first to be called the South Virginia or London Company, and the second, the North Virginia or Plymouth Company.

In the year 1613, Sir Samuel Argal, governor of the southern part, called *Virginia*, made a cruizing voyage round the coast, as far as Cape Cod, in latitude 42.2, when the Indians informing him that some white men like himself were come to inhabit to the north of them, on Mount Desert Island, in latitude 44.20, he being sensible that all the country, as far northwards as it had been discovered by Cabot, belonged to the Plymouth Company, his employers, sailed thither, and found a French settlement and a fort; and having summoned the French, they surrendered themselves, cancelling the patents that had been granted for their settlement by the French King. Argal being thereafter informed that the French had another station on a bay beyond the former settlement, proceeded thither without delay, and obliged them also to surrender themselves; when, quitting the country, they betook themselves more to the northward, and high up St Lawrence River.

On 3d November 1620, King James granted a separate patent to the Plymouth Company, by the name of " The Council established at Plymouth, in the county of " Devon, for the planting, ruling, ordering and governing of New England, in " America," for all that part of the continent lying between 40 and 48 degrees of north latitude, and extending from sea to sea. In 1621, that company surrendered to the Crown every part of their patent situate to the north of the River St Croix; whereupon the King granted a charter of this country to Sir William Alexander, dated 10th September that year, and passed under the Great Seal of Scotland, in which it was first named *Nova Scotia;* and King Charles I. granted to him a charter of *novodamus*, dated 12th July 1625, conform to which he was duly vested and seised, 29th September thereafter.

Sir William Alexander forthwith took possession of the territory granted to him, planted, and began to settle a colony at Port Royal, and built a fort there. King Charles having engaged to support the Huguenots, he entered into a war with France in 1627, which continued until April 1629, when it was terminated by articles of peace, concluded at Suza, in Piedmont, out of which articles, it was thought, the circumstances arose which gave occasion to the following letter from his Majesty to the Lords of Privy Council in Scotland:

" Right, &c. There being at this time some controversie between us and the French, " concerning the title of lands in America, and particularlie New Scotland, it being " alledged that Port Royal, where the Scottish colonie is planted, should be restored, as " taken since the making of the peace, by reason of the articles made concerning the

" same; as we are bound in dutie and justice to discharge what we owe to everie neigh-
" bour prince, so we must have a care that none of our subjects do suffer in that which
" they have undertaken, upon just grounds, to do us service, neither will we determine in
" a matter of so great moment, till we understand the true estate thereof: Therefore,
" our pleasure is, that you take this business into your consideration, and because we
" desire to be certified how far we and our subjects are interested therein, and what
" arguments are fit to be used, when any question shall occur concerning the same, for
" the defence thereof, that, after due information, we may be furnished with reasons
" how we are bound to maintain the patents that our late dear father and we have given.
" So, expecting that having informed yourselves sufficientlie of this business, you will
" return us an answer with diligence," &c.

" WHITEHALL, 3*d July* 1630 *."

The Lords, with the other Estates of the realm, being assembled in Convention, 31st July 1630, unanimously agreed that his Majesty should " be petitioned to maintain his " right of New Scotland, and to protect his subjects, undertakers of the said plantation, " in the peaceable possession of the same, as being a purpose highlie concerning his " Majestie's honour, and the good and credit of this his ancient kingdom."

The removal of the colony planted at Port Royal was nevertheless commanded by his Majesty, together with the destruction of the fort built for its protection, and the evacuation of Port Royal itself, by the following letter to Sir William Alexander, then Viscount of Stirling:

" Right, &c. Whereas there is a final agreement made betwixt us and our good-bro-
" ther, the French King; and that, amongst other particularities for perfecting thereof,
" we have condescended that Port Royal shall be put in the state it was before the be-
" ginning of the late war, that no partie may have any advantage there during the con-
" tinuance of the same, and without derogation to any preceding right or title, by vir-
" tue of any thing done, either then, or to be done, by the doing of that which we
" command at this time; it is our will and pleasure, and we command you hereby, that
" with all possible diligence you give order to Sir George Home, Knight, or any other
" having charge from you there, to demolish the fort which was builded by your son
" there †, and to remove all the people, goods, ordnance, munitions, cattle and other

* *Earl of Stirling's Register of Letters of King Charles I.* &c. MS.

† Sir William Alexander " erected a fort on the site of the French corn-fields, previous to the treaty of St " Germain. The remains of this fort may be traced with great ease; the old parade, the embankment and " ditch have not been disturbed, and preserve their original form."—*Haliburton's History of Nova Scotia. Halifax*, 1829, vol. ii. p. 156.

" things belonging unto that colonie, leaving the bounds altogether waste and un-
" peopled, as it was at the time when your son landed first to plant there, by virtue of
" our commission. And this you fail not to do, as you will be answerable unto us.
" GREENWICH, 10*th July* 1631 *."

The command to remove the colony from Port Royal, although it was declared to have only been " for the present," or " for a time," occasioned a great private loss to Lord Stirling, and operated as an indisputable discouragement also to the planting and settling of Nova Scotia. At the same time, his Majesty wrote to the Lords of the Council, 12th July 1631, " We will be verie careful to maintain all our good subjects " who do plant themselves there;" and granted letters-patent, 28th July aforesaid, wherein his Majesty declared, that he agreed to give up the fort and place of Port Royal, without prejudice nevertheless to his right or title, or that of his subjects, for ever; and even held out the prospect of its garrison, colonies and inhabitants returning, in consequence of approbation to that effect, to be obtained from the French King.

King Charles also wrote to their Lordships in terms equally strong and explicit, in the following letter, with a warrant in Lord Stirling's favour for L.10,000:

" Right trustie, &c. Whereas we send herewith inclosed unto you a signature of ten
" thousand pound sterling, in favour of our right trustie the Lord Viscount of Stirling,
" to be past and expede by you under our Great Seal; lest any mistaking should ensue
" thereupon, we have thought it good to declare unto you, that (as it may appear by
" itself) it is no ways for quitting the title, right, or possession of New Scotland, or of
" any part thereof, but only for *satisfaction of the losses* that the said Viscount hath,
" by giving order for removing of his colonie at our express command, for performing
" of an article of the treatie betwixt the French and us: And we are so *far from aban-*
" *doning* of that business, as we do hereby require you, and everie one of you, to afford
" your best help and encouragement for furthering of the same, chieflie in persuading
" such to be Baronets, as are in qualitie fit for that dignitie, and come before you to
" seek for favour from us, but remitting the manner to your own judgment, and expect-
" ing your best endeavours therein. Willing thir presents be insert in your books of
" Exchequer, and an act made hereupon, we bid," &c.
" WHITEHALL, 19*th February* 1632 †."

During the war with France, which has been adverted to, Sir David Kertk, of Dieppe, and a Calvinist, having received the command of three English ships, sailed on an expedition against Quebec, defeated the squadron that was sent to its relief, and after re-

* *Earl of Stirling's Register.* † *Ibid.*

ducing the settlers there to the greatest extremities, compelled them to capitulate, 19th July 1629. It was recovered, however, by France, under the treaty of St Germain, in 1632.

" Sir David Kertk having taken Quebec from the French, the King of France de-
" tained 400,000 crowns, part of the Queen of England's portion. This brought about
" a treaty with King Charles, who empowered his ambassador, Sir Isaac Wake, to con-
" clude the dispute, 29th June 1631 ; but it was not till 29th March 1632 that the
" treaty was signed, by which King Charles" agreed to make his subjects withdraw from all the places occupied by them ; and for that effect gave orders to those who commanded in Port Royal, the fort of Quebec, and Cape Breton, to render and deliver these *places* and *fort* into the hands of such as the French King should please to appoint ; " which
" put an end to all differences, and the remaining half of the Queen's portion was paid
" by the French King."—*(Prince's Annals of New England.)*

Thereafter, the French from Quebec, and the district surrounding it, suddenly broke into the country of Nova Scotia, on the pretence of an unsupported right to the possession of it, by the treaty of St Germain just referred to, whereby it was not ceded at all, but only Port Royal commanded to be given up. The troubles in England, by which King Charles was beset, prevented his breaking with the French Court ; and from the continuance of these troubles for many years, it is accounted for why the French, for so long a period, were little molested in the occupation they took of the country, nor even any effectual remonstrances made against their aggression. But his Majesty wrote to the Lord Advocate, 14th June 1632, that he should ever " be readie, by his gracious favour,
" to protect the Viscount of Stirling, and all such as had, or should thereafter at any
" time concur with him for the advancement of the plantation in the bounds foresaid ;"
and in a letter to the Baronets, 15th August the same year, communicated to them, that his loving subjects should be " secured of his protection in time coming, in their
" undertakings into it," and his Majesty " be readie to contribute what he should find
" he might justlie do for the encouragement of all that should join with them to that
" purpose." Having those strong assurances from his Majesty, Lord Stirling was induced to prosecute the work of the plantation by every means, of which one was, the procuring of those persons who were joint undertakers with him of the plantation, to be created Baronets of Nova Scotia, as recommended by his Majesty, by whom that order was instituted, to confer particular marks of his " favour upon such as should volun-
" tarilie contribute to the furtherance of a plantation to be established in these bounds."

In June 1633 the patents or grants to Sir William Alexander were solemnly ratified by Parliament ; and further, an act of the Privy Council, under date 15th February 1634, bears as follows : " Forsameikle as his Majestie's late dear father, of blessed me-
" morie, for the honour of this his ancient kingdom of Scotland, did grant the first
" patent of New Scotland to his Majestie's right traist cousin and counsellor, William

" Erle of Sterline, and was willing to confer the title of Knight Baronet upon such of " his well-deserving subjects as should contribute to the advancement of the work of the " plantation in the said countrie, his Majestie was pleased to give order for effectuating " of the same, according to his commission, directed to the Lords of Privie Council for " that purpose: And his Majestie understanding perfectlie that the said Erle did " begin and prosecute a plantation in these parts, with a far greater charge than could " be supplied by the means foresaid, and the rather in regard of the late discouragement " of some, by his Majestie's commanding the said Erle to remove his colonie from Port " Royal, for fulfilling of an article of the treaty betwixt his Majestie and his brother " the French King, to make everie thing betwixt them to be in the estate wherein it " was before the war: Hearing that there was a rumour given out by some that his " Majestie had *totallie lost his purpose to plant in that countrie, as having surrender-* " *ed his right thereof;* and therefore lest anie *further mistaking* should arise there- " upon, his Majestie has thought good hereby to clear his intention therein, which is, " that the said Erle, with all such as shall adventure with him, shall prosecute the said " work, and be encouraged by all lawful helps thereunto, as well by completing the in- " tended number of Baronets, as otherways," &c. Lord Stirling, therefore, continued to procure the creation of Baronets to those persons respectively who concurred with him in the great enterprise of fully planting Nova Scotia, and he made up their territorial qualifications for receiving the dignity, by surrenders of portions of the lands in their favour. This he did down to 31st July 1637, at which time he ceased to make them, intelligence having reached him that the French had overrun the country, and held it in their possession. He, notwithstanding, never relinquished any of the rights vested in him under his patents, as is proved by an assignment of them in trust, that he executed in 1640, only two weeks before his death.

The French maintained their usurped possession of Nova Scotia, certainly, as has been said, with little or no molestation, until 1654, when, by command of Cromwell, military re-occupation of the country was taken by Colonel Sedgwick. King Charles II, however, in 1662, without the consent of Parliament, and also in opposition to the urgent representations of the adjoining settlement of New England, against admitting the French so near to the English colonies, commanded it to be re-delivered to them; and under the treaty of Breda, in July 1667, the French alleged that they were actually put again in possession of Acadia, comprehending Nova Scotia, and, besides, the lands called or known by the names of *St Croix* and *Sagadahock*, lying between the river St Croix and Penobscot, in the state of Maine, New England; and they built a small fort at Port Royal, for the security of certain settlements made by them along the coast, where they traded with the inhabitants.

But, at any rate, the French having made those settlements, and the settlers in New England labouring under great disadvantages in consequence of the occupation by the French

of any parts of the country in their neighbourhood, they seized the first opportunity of a rupture with that people to force every place in their possession out of their grasp. Great Britain declared war against France 7th May 1689, and Sir William Phipps, commander-in-chief of the forces of New England, appeared, on 11th May 1690, before Port Royal, the garrison of which was surrendered, upon condition of a safe conduct to Canada. Having dismantled the fort, and sent away the French garrison agreeably to the capitulation, Sir William Phipps left the country in the possession of those who remained behind, placing over them a governor under their Majesties, King William and Queen Mary, and they kept undisputed possession of the country on that footing.

Further, on 7th October 1691, King William and Queen Mary, by charter to the inhabitants of the province of Massachusetts Bay *, granted to them "all the lands and "hereditaments lying and being in the country or territory commonly called Acadia or "Nova Scotia," for the purpose of asserting, keeping up, and preserving the right of the British Crown to the sovereignty of the country; judging, which this act of sovereignty evinced, that the country had not been validly ceded by the treaty of Breda, but that the possession had by the French was deemed a violent, usurped, and vitious possession.

By the treaty of Ryswick, of 20th September 1697, it was agreed between the King of Great Britain and the French King, merely that matters should be placed in the same state as before the declaration of war; and the sense which the British Crown entertained as to what was comprehended in the treaty, in respect to the country of Nova Scotia, was left by no means doubtful; because, so soon afterwards as in June 1698, King William, in pursuance of the grants that had been made to Sir William Alexander, confirmed a conveyance of a portion of lands lying in that country, and holden of his Majesty as the immediate overlord †, for doing which the King could have had no pretence, if the country had been considered as having passed from under his

* Prefixed to *Laws of the Massachusett-Bay in New England. Lond.* 1724.

† Sir William Alexander surrendered into the hands of the Crown certain of his lands lying in Nova Scotia, in favour of Sir Robert Gordon of Gordonstoune, who thereupon obtained a new charter of them, under the Great Seal of Scotland, on 28th May 1625, containing a grant of the title and dignity of Baronet. Sir Robert died in 1656; and his grandson, also called Sir Robert Gordon, thereafter obtained a grant of the dignity and the same portion of lands, bearing that they had been again surrendered into the hands of the Crown, in favour of a new and different series of heirs, appointed by a deed of settlement, dated 26th January 1697, and that the surrender had been duly received; and the dignity and lands were *de novo* confirmed and re-granted, on 27th June 1698; B. lxxvi. No. 5.

Referring to the records for other instances of a settlement or devise of lands and titles of honour being confirmed by the Crown, one remark occurs to be offered, that any nomination or appointment of new heirs to titles now, otherwise than by the Crown, would be inefficacious; such an appointment made by John, the second Earl of Stair, *after the Union of Scotland and England*, of his honours and dignities, having been adjudged by the House of Lords, 4th May 1748, to be not valid in law.

right of feudal superiority or sovereignty, in consequence of possession being resumed by the French, and their possession being acquiesced in as lawful and just.

The time at length arrived to fix the possession of Nova Scotia according to its original and inviolate title. The country, wheresoever it was occupied by the French, was reduced, in 1710, by Colonel Francis Nicholson, with united forces from Old and New England; and the treaty of Utrecht, of 11th April 1713, confirmed to the Crown of Great Britain, for ever, Nova Scotia, *comprehended in "its ancient limits*, as also "the city of Port Royal, now called *Annapolis Royal*, and all other things in these "parts which depend on the said lands."

After this treaty, it became matter of dispute between Great Britain and France, What were the ancient limits of Nova Scotia? The treaty of Aix-la-Chapelle, in 1748, by which that question ought to have been determined, committed it, with various other matters, to the decision of Commissaries; and, in the course of their discussions, the Commissaries on the part of France alleged, that the French had a just claim to the possession of the country, contending that it was borne out by the treaty of St Germain; as to which, on the other hand, the British Commissaries, Messieurs Shirley and Mildmay, shewed that it gave no countenance whatsoever to such claim *. In the meantime a plan for the better peopling and settling of Nova Scotia was proposed to the Privy Council in England, and approved of by an order in Council, 7th March 1749; but the French, in April 1750, having renewed their encroachments on the settlers in this province, from which they refused peaceably to desist, it was totally reduced to obedience to the British Crown in June 1755, by the lieutenant-governor, Major Charles Lawrence, assisted by troops from New England under the orders of Colonel Monkton.

The treaty of Paris, of 10th February 1763, ensued, by Article 4. of which the French King renounced all pretensions which he had heretofore formed, or might form, to Nova Scotia in all its parts, and guaranteed the whole of it, and with all its dependencies, to the King of Great Britain.

Thus, upon the quit-claim of the French at the peace of Utrecht, and anew upon the renunciation at the peace of Paris, the sovereignty of Nova Scotia was re-acquired by the British Crown; and, in like manner, upon the reduction of the whole territory by Governor Lawrence, all the rights of private persons also, the subjects of the King of Great Britain, revived; the possession of the country by the French having been a usurpation, which created only a suspension of the property of the former owners, and not an extinguishment of it.

At the peace of Paris the right of inheritance to William, the first Earl of Stirling, was in the person of his great-great-grandson, John, the seventh Earl. He died within three years thereafter, on 29th December 1765, and his brother and successor, Benja-

* Memorials of the British and French Commissaries under the Treaty of Aix-la-Chapelle. Lond. 1748.

min, the eighth Earl, died on 18th April 1768, from which time the right was in the person of females, until 12th September 1814, when Alexander, the present Earl of Stirling and Dovan, succeeded to it by the decease of his mother.

The present Earl completed his titles in 1831. Having been proved to be the heir to the property, he obtained a precept from his Majesty as overlord, for giving him seisin as heir aforesaid, directed to the Sheriff of Edinburgh, who, on his Majesty's behalf, gave hereditary state and seisin of Nova Scotia, with its dependencies, to the Earl, on 8th July 1831, at the castle of Edinburgh, in the manner prescribed by the foundation charters of the province.

CHAPTER II.

TERRITORIES CONVEYED BY CHARTER IN THE 55TH YEAR OF KING JAMES THE SIXTH OF SCOTLAND, AND BY A FURTHER CHARTER OF NOVODAMUS IN THE FIRST YEAR OF KING CHARLES THE FIRST OF ENGLAND AND SCOTLAND, TO SIR WILLIAM ALEXANDER.

The province of Nova Scotia, granted by King James to Sir William Alexander, and granted again by his son and successor King Charles, formed a middle portion of a tract of country in America, which, it is said, was named by the French, prior to 1613, *Acadie*, and reached from Penobscot, (by the French named *Pentagoet*,) in the state of Maine, to the north of the River St Lawrence. It includes

Nova Scotia proper;

New Brunswick;

Gaspé, a district now comprehended in Lower Canada;

Islands. The islands are those lying within six leagues of the west, north, or east coast, such as the islands of Cape Breton and Prince Edward; and those lying within forty leagues of the south-east and south coasts, of which the Isle de Sable is one; also certain parts of the island Anticosti, in the Gulf of St Lawrence, were considered as belonging to Nova Scotia.

The northern boundary of Nova Scotia proper is a line drawn from the head of Bay de Vert to Cumberland Basin. The length of the country is about 320 miles, and its average breadth about 70, containing 14,031 square miles.

New Brunswick extends from the Bay de Chaleur and the River Restigouche southwards to the River St Croix. It was disjoined from Nova Scotia in 1783; is about 145 miles from north to south, and contains 26,704 square miles.

The district of Gathepé or Gaspé, lying to the north of New Brunswick, was added to the province of Quebec. It contains about 18,000 square miles. The province of Quebec was erected in 1763.

The island of Cape Breton is mentioned in 1632, in the treaty of St Germain, signed that year, as one of the places which were ordered by King Charles to be delivered to such as the French King should appoint to receive them. It thereafter shared the fate of Nova Scotia, from the mainland of which it is separated by the Gut of Canseau, about one mile only in breadth, and twelve in length. It remained unplanted until 1714, when the French, from Newfoundland and neighbouring parts of the continent, denying that it depended on Nova Scotia, made some settlements upon it, and had it included

in their province of New France. This island was called by the French *Isle Royale*, whilst they held it, which they did until 17th June 1745, when it was taken from them by the British, under Commodore Warren, assisted by a body of 6000 troops from New England, under the command of Mr William Pepperel; but it was restored to France by the treaty of Aix-la-Chapelle. It was afterwards taken by General Amherst, commanding the British land forces, and by Admiral Boscawen, to whom the governor, the Chevalier Drucor, surrendered himself and the garrison of Louisbourg, 26th July 1758; and the island was ceded by the French King, by the treaty of Paris, in 1763. It is about 100 miles long by about 60 broad, and contains 3125 square miles. Coal mines abound in it, and it also possesses abundance of iron.

Prince Edward's Island, in the Gulf of St Lawrence, had its name changed from that of *St John*, in 1799. It is separated from Nova Scotia by Northumberland Strait, which is nine miles broad. Cabot met with this island after leaving Newfoundland, but the English neglected it. The French took possession of it, as being alleged by them to be within the limits of New France, and as having been re-discovered, in 1523, by Verazani, a Florentine, who was employed by Francis I. of France to go in quest of places for new settlements. The French government, however, afterwards discouraged its settlement to force that of Cape Breton, and it also was yielded by the French King by the treaty of Paris. Its length is 140 miles, and its greatest breadth 34, containing 2159 square miles.

The province of Nova Scotia was annexed to the kingdom of Scotland for the convenience of taking seisin of it, and likewise, as a letter from King Charles to the Baronets, 15th August 1632, already referred to, expresses it, ‘ out of his late dear father's royal “ care for the honour and weal of that his ancient kingdom—that the use of the domi- “ nion of New Scotland might arise to the benefit of that kingdom;” and the place for taking seisin was appointed to be the castle of Edinburgh in Scotland, within the bailiwick of the Sheriff of Edinburgh.

CHAPTER III.

OFFICES, &C. AND PRIVILEGES GRANTED.

After the description of the territories, the charters contain the grant to Sir William Alexander, and his successors, of the power, privilege and jurisdiction of free regality and chancery, (chancellary); the right of patronage of churches, chapels and benefices, and the functions of justiciary and admiralty; and more particularly, certain great offices with high jurisdictions, and large privileges or powers under written, all to be exercised within the bounds of Nova Scotia, and in reference thereto.

1. The office of his Majesty's Hereditary Lieutenant-General, to represent his royal person, with the power of making, sanctioning and establishing laws, statutes and instructions for the government of the country in all causes civil and criminal; such laws to be consistent, as much as they could be made, with those of the kingdom of Scotland.

2. The offices of
Justice-General;
High-Admiral;
Lord of Regality;
Hereditary Steward.

3. The power of erecting corporations, free boroughs, free ports and boroughs of barony, with markets and fairs, and of holding courts of justiciary and admiralty within the bounds, ports and seas, and of imposing, levying and receiving customs and dues of the corporations, boroughs, markets, fairs and ports, with sufficient magistrates, justices of the peace, provosts, aldermen, constables and other officers, deacons of crafts and others requisite.

4. The power of bestowing favours, privileges, employments and honours on deserving persons, and of making sub-grants of any portion or portions of the lands to those who should covenant and contract for the same*.

5. The power of giving, granting and conferring offices and titles, and of constituting and appointing office-bearers, bailies, clerks, barony and borough officers, and other assistants for the administration of justice, according to the qualities, conditions and merits of the persons who should reside in the said country, or who should adventure their means or fortunes for the profit thereof.

* Grants or patents to Sir Claude St Estienne, Charles St Estienne, and John Browne. *App.* Nos. XIX. and XX.

6. The privilege of export from and import into Scotland, or any other places, of all goods and merchandises, on payment to the Crown of an *ad valorem* duty of 5 per cent., and exemption from any other duty or custom in respect to such import or export.

7. The power of building churches, chapels and hospitals, and of planting the said churches, and providing them with sufficient preachers, pastors and ministers.

8. The power of erecting, founding and constructing common schools, colleges and universities, sufficiently provided with masters, rectors, regents and professors ; also of instituting prelates, and rectors and vicars of parishes and parish churches, and of distributing and dividing all the bounds of the country into different and distinct shires, provinces and parishes.

9. The power of founding, erecting and instituting a college of justice, with senators or judges thereof, for the administration of justice therein, and other places or courts of justice.

10. The power of erecting and appointing a privy council, and of giving and granting titles, honours and dignities to the members, and creating the clerks thereof ; also of appointing seals and registers, with their keepers.

11. The power of erecting and instituting

Officers of State ;

Chancellor ;

Treasurer ;

Comptroller ;

Collector ;

Secretary ;

Advocate or Attorney-General ;

Clerk or Clerks Register and Keepers of the Rolls ;

Justice-Clerk ;

Director or Directors of Chancery ;

Conservator or Conservators of Privileges, as in Flanders or elsewhere ;

Advocates, procurators and pleaders of causes ;

Solicitors and law agents.

12. The power of appointing convocations and assemblies of ecclesiastical persons for church discipline, and of authorising and ratifying the same, and their acts and decrees.

13. The power of appointing governors and commandants of the ports, naval stations and bays, and captains of castles and forts.

14. The power of appointing clerks, officers and serjeants or macers of the several judicatories and jurisdictions.

15. The power and privilege of having and lawfully establishing and coining current money, with the instruments and officers necessary for that purpose.

It is to be remarked, as to the offices, powers and privileges above written, that in the

surrenders by the grantee to the Crown of portions of the lands, and in the new grants thereupon made to others, it was declared that the following should be excepted and reserved to Sir William Alexander and his heirs :

The office of his Majesty's Lieutenant of the whole of the country and lordship of Nova Scotia ;

The power and privilege of coining money ;

The office of Justice-General ;

The office of Admiralty ;

The making of Officers of State ;

The conferring of titles of honour ;

The power and jurisdiction of free regality and chancery ;

The privilege of making laws concerning the public state, good and government of the country.

Accordingly, the portions of lands in question were actually surrendered, and the re-grants of them from the Crown made, with and under the exceptions and reservations which have just been specified.

CHAPTER IV.

HISTORY OF THE DOMINION OR LORDSHIP OF CANADA IN AMERICA, GRANTED BY KING CHARLES THE FIRST OF ENGLAND AND SCOTLAND TO SIR WILLIAM ALEXANDER, HIS MAJESTY'S "HEREDITARY LIEUTENANT OF THE COUNTRY AND DOMINION OF NOVA SCOTIA," AND CONVEYED BY CHARTER IN THE THIRD YEAR OF HIS REIGN.

THE extensive country, the subject of the grant above mentioned, being a part of the continent of North America discovered by Cabot in 1497, is properly within the limits of the possession that was then taken by him.

In the beginning of the sixteenth century the northern parts of it were visited by some French mariners, who were fishing on the banks of Newfoundland; and in 1523 the French King, Francis I. sent four ships, under the command of Verazani before mentioned, to make discoveries in North America; but having, after two unsuccessful attempts, sailed on a third expedition, he was never heard of more. In 1534, Jaques Cartier, a native of St Malo, sailing under a commission from the French King, landed at various places on the coast of the Gulf of St Lawrence, and took possession of the country in the name of his sovereign.

In the year following, Cartier made a second voyage, with a more formal commission, and with a much larger force; sailed up the River St Lawrence as far as the island of Orleans; experienced the most hospitable treatment from the natives; and after wintering at St Croix, returned to France. His failure in the discovery of the precious metals brought him into some degree of disgrace; and in 1540 he was sent out, only in the capacity of pilot to M. de Roberval, who was appointed viceroy of Canada,—who made various attempts to discover a north-west passage to the East Indies,—who frequently returned to France for new recruits, and who was lost, with a numerous train of adventurers, in 1549, without any tidings ever being received of his fate. By this calamitous event the government of France was so much discouraged, that for nearly fifty years afterwards no measures were employed to support the few French settlers who still remained in America. At last King Henry IV. appointed the Marquis de la Roche lieutenant-general of Canada; but that nobleman sailing from France in 1598, having injudiciously attempted a settlement on the Isle de Sable, and cruized for some time on the coast of Nova Scotia without any success, returned home in disgrace, and died of grief. Other governors, however, were more successful in their expeditions, and by the increasing attractions of the fur trade, were enabled to collect great numbers of settlers, and to form a settlement in Canada, or *New France*, as it was then by that name designated.

It very soon became as much a missionary station as a commercial settlement. A very general zeal for the Christian instruction of the Indians was excited through the kingdom of France, and many individuals of rank and property devoted their lives and their fortunes to the cause. The Jesuits, however, soon engrossed the sole direction of this undertaking, and were greatly instrumental in obstructing the prosperity of the colony, by their perpetual contentions with the governors, and by the pernicious effects which their labours produced upon the character of the natives. Even when they were successful in their ministrations, they may be said to have made allies to the French, rather than converts to Christianity. These lost in a great degree the useful qualities of the savage, without acquiring the virtues of the Christian,—relaxed their wonted courage and vigilance,—depended upon their new allies in many instances both for protection and for subsistence, and thus became a heavy burden, instead of proving a useful barrier to the colony. The degraded appearance also, and enfeebled spirit of the Indian tribes who thus submitted to the tuition of the Catholic colonists in Canada, compared with the industrious pursuits, orderly conduct, improved habitations and increasing comforts of those who were instructed by the Protestant missionaries on the borders of New England, tended greatly to inspire the natives in general with a growing respect and attachment to the English, whilst it confirmed their contempt and dislike of the French. The English colonists naturally exerted their endeavours to encourage this predilection, and many of the Indians became still more partial to their intercourse, for this additional reason, that they found in these states a better price for their furs than what the French merchants could afford.

The principle which the French adopted, of treating all those Indian tribes as enemies who carried their commodities to the traders of New England, or who received English missionaries among them, as well as religious dissensions amongst the colonists themselves, greatly retarded the prosperity of the settlement; but, in the year 1627, the French minister, Cardinal Richelieu, who cordially hated the Protestants, put the province of New France under the management of a chartered company, which he endowed with great privileges, upon condition that they should exclude the Huguenots, and establish Catholic priests in every district.

It was in that year that the King of England, Charles I, entered into a war with France to support the Huguenots; and, in the following year, being moved by a desire for the "diffusion of the Christian religion," and in order that Sir William Alexander, "and our other subjects who, alongst with him," had gone to make "a settlement in" the country of Nova Scotia, "might be assisted for" that purpose, "and in the expect-" ed discovery of a way or passage to those seas which wash America on the west, com-" monly called the South Sea, from which the head or source of that great river, or Gulf " of Canada, or some river flowing into it, is deemed to be not far distant, and because " that, by the example already shewn by the said Sir William in the exploring and set-

" tling of the said country of Nova Scotia, terminating at the aforesaid Gulf and River " Canada, he has proposed establishments in those parts of the plantation which seem to " be favourable to the propagation of the said religion, and as tending so much to the " great honour and profit of our ancient kingdom of Scotland, whence it may come to " pass that the said colonies, to be planted by him and his successors, may, by this means, " in process of time, discover the foresaid way or passage to the said seas, much hitherto " for weighty reasons sought for, and so often by various persons undertaken: There- " fore, and for exciting the more earnest resolutions of the said Sir William, his heirs, " assigns, joint undertakers and associates, to further progress in such and so great an " enterprise," his Majesty granted a charter to Sir William Alexander, bearing date 2d February 1628, and passed under the Great Seal of Scotland, of certain islands and extensive tracts of land on both sides of the River Canada or St Lawrence, all to be called the dominion or lordship of Canada, from the name of the great river aforesaid.

In these tracts was partly comprehended a portion of lands of which King James had granted a patent to the Plymouth Company in 1620. One part of their patent, as before stated, was surrendered by that company, in 1621, to his Majesty, by whom it was re-granted to Sir William Alexander, on 10th September the same year: And a grant of another part of the aforesaid patent was obtained by him from the Plymouth Company on 22d April 1635, which, by construction of law, the above-mentioned charter of 2d February 1628 corroborated, and will be more particularly noticed hereafter.

The expedition of Sir David Kertk against the country of Canada took place in that year 1628; and he, considering it as within the limits of the dominions of the King of England, attacked Quebec with the English under his command, who made themselves masters of the French settlements, and, particularly, of the fort of Quebec, built by Champlain in 1608, which however King Charles, by the treaty of St Germain, ordered to be given up to such as the French King should appoint to receive delivery of it.

Parliament solemnly ratified the grant to Sir William Alexander, " of the River and " Gulf of Canada, bounds and priviledges thereof," 28th June 1633; and on his being advanced by King Charles to the dignity of Earl of Stirling, it was appointed in the patent that he should take for the second title " Viscount of Canada," from this country.

The French, when they obtained possession of the fort of Quebec, thought fit to usurp possession also of the circumjacent country, and they contrived to maintain that usurpation by force, until it was conquered by a British army under General Amherst, and finally surrendered by the French general, the Marquis de Vaudreuil, 8th September 1760. By the treaty of Paris consequent on that event, Article 4, the French King ceded to his Britannic Majesty, in full right, Canada, with all its dependencies, and with all rights which the Crown of France had till then over the same.

The country, as the conquerors found it, was not only in a very impoverished condition, and the inhabitants in many places requiring to be supplied with provisions from

the stores of the army, but was besides in a very unsettled state, which continued for some years after the cession. The Indian tribes, in particular, either not considering the French government as having been sufficiently authorised to transfer their allegiance to the British Crown, or excited against their new masters by the Catholic missionaries who resided among them, carried on for some time a desultory and destructive warfare, and rendered all intercourse with the interior extremely hazardous; but, in 1764, a formidable confederacy of the natives having been thwarted in their hostile designs, they soon afterwards returned to their different districts, and gradually became reconciled to the conquerors of the country.

During the first four years after its cession, Canada was divided into three military governments, and the officers of the army acted in the double capacity of commanders and judges. The laws of England were soon established in the country, but those in respect to civil matters were not received with approbation by the old colonists. When Canada was ceded, it contained above sixty-five thousand inhabitants, who were of the church of Rome, and had always been governed by the customs of Paris. Accordingly it was both just and prudent to indulge the inhabitants with the exercise of their religion, and to make the laws of the country the rule of decision there in all matters of controversy relative to property and civil rights; but the constitution of Great Britain would not permit the criminal laws of a despotic government, which were enforced without the intervention of a jury, to continue in any of its plantations, and therefore the statute 14. Geo. III. chap. 83, was made, (restoring in the place of the English civil laws the old *coutume de Paris,)* which, after establishing the boundaries of Quebec or Canada, provides for the government of the province; permits to the inhabitants the exercise of the Romish religion, subject to the King's supremacy; makes the laws of Canada the rule of decision there in all matters of controversy relative to property and civil rights, but establishes the criminal law of England in that province; whilst, at the same time, (by sect. 3,) it saves all former rights therein.

Alexander, the present Earl of Stirling, made up his titles to the Lordship of Canada by seisin, as heir of Sir William Alexander, upon 8th July 1831, taken at the castle of Edinburgh, as appointed by the charter thereof.

CHAPTER V.

TERRITORIES CONVEYED, AND POWERS, &C. GRANTED, BY CHARTER OF THE LORDSHIP OF CANADA TO SIR WILLIAM ALEXANDER.

In the east parts of this country lay the northern portion of Acadia. The grant from King Charles to Sir William Alexander comprehends altogether,

Islands lying in the Gulf of St Lawrence, and at the mouth of the river of that name, including generally the island Anticosti:

Islands lying within the river St Lawrence, from its mouth to its source, or within any rivers falling into the river St Lawrence, or in whatsoever lakes in which either the river St Lawrence, or any of those other rivers terminate:

Fifty leagues of bounds on both sides of the river St Lawrence, from its mouth to its source; also on both sides of the said other rivers; also on the sides of the said lakes:

Fifty leagues on both sides of the passage, from the source of the river St Lawrence to the Gulf of California, by some called the *Vermilion Sea:*

Islands lying in the Gulf of California:

Lands and bounds adjacent to the Gulf of California on the west and south, commonly called and distinguished by the name of *California:*

Lands which at any time to come should be discovered by Sir William Alexander or his successors, or others in their name, on both sides of the whole bounds and passage aforesaid, and not hitherto in the occupation of others, the subjects of his Majesty, or of any of his allies.

The place of taking seisin was directed to be the castle of Edinburgh, as was appointed in the case of Nova Scotia, or the ground of any part of the lands, bounds and islands conveyed.

The particular charter under consideration contains the grant to Sir William Alexander, and his successors, heritably, of the powers under written:

1. The power of planting colonies, and engaging in trade in the bounds conveyed, or any part of them, and of expelling and debarring all others from the same:

2. The power of making allocations, or sub-grants of proportions of the lands, to whatsoever person or persons he should see fit, and upon the same terms as he could do in Nova Scotia; also with such and as great privileges, liberties and immunities in all the bounds and islands conveyed, as he had power of in Nova Scotia, by his charters or patents thereof:

Lastly, There is a declaration, that the said charter should be in no wise prejudicial or derogatory to whatsoever rights, charters or patents granted to him of or concerning Nova Scotia, or to any head, clause, article or condition therein set forth.

CHAPTER VI.

HISTORY OF A PART OF MAINE, IN AMERICA, LYING BETWEEN THE RIVERS ST CROIX AND KENEBECK, AND ISLANDS, GRANTED BY THE PLYMOUTH COMPANY, AT THE COMMAND OF KING CHARLES THE FIRST OF ENGLAND AND SCOTLAND, TO WILLIAM, EARL OF STIRLING, AND CONVEYED, BY LETTERS-PATENT, IN THE 11TH YEAR OF HIS MAJESTY'S REIGN.

On 3d November 1620, a patent for a part of the continent of America was granted by King James to the Plymouth Company, every part of which, *north* of the river St Croix, as before stated, was surrendered by that Company to the Crown, and of new granted to Sir William Alexander, in 1621.

Another part of the patent of the Plymouth Company, *south* of the river St Croix, consisted of a tract comprehended within the Lordship of Canada, which was granted by King Charles in favour of Sir William Alexander, on 2d February 1628; but as, at the time that the Crown made this grant to him, the tract in question remained the property of the Plymouth Company, without having been surrendered back to the Crown, King Charles, to apply a remedy for the feudal irregularity, commanded the Company to make over that tract to Sir William Alexander, then Earl of Stirling; which conveyance would accresce to, and be corroborated by his Majesty's previous grant above-mentioned, of the Lordship of Canada. Accordingly, the Plymouth Company, Corporation or Council of New England, " by and with the consent, direction, appointment and com-" mand" of King Charles, issued letters-patent to William, Earl of Stirling, his heirs and assigns, dated 22d April 1635, for a tract of the Maine land of New England, beginning at St Croix, and from thence extending along the sea-coast to Pemaquid and the river Kenebeck *, to which was added the island of Long Island, with all the islands thereto adjacent.

The tract of land and islands thus conveyed to the Earl were soon afterwards taken possession of by him. He appointed his deputy for that purpose, 20th April 1636, and he himself and his heirs were at a very great expense in planting and settling the bounds thereof. Mr Savage, in his work on New England, mentions as follows: " This year " (an. 1641,) mon. 4, divers families in Linne and Ipswich having sent to view Long " Island, and finding a very commodious place for plantations, but challenged by the " Dutch, they treated with the Dutch governor (Kieft) to take it from them. He " offered them very fair terms; as, that they should have the very same liberties, both

* " The space between the St Croix and Pemaquid, held by him, (Sir William Alexander,) as one of the " Council of Plymouth, under another grant, by an agreement among the grantees."—*Haliburton's History of Nova Scotia,* vol. i. p. 144.

" civil and ecclesiastical, which they enjoyed in the Massachusetts, only liberty for ap-
" peal to the Dutch, and, after ten years, to pay the tenth of their corn. The Court
" were offended at this, and sought to stay them ; not for going from us, but for strength-
" ening the Dutch, our doubtful neighbours, and taking that from them which our
" King challenged and had granted a patent of, with Martha's Vineyard and other is-
" lands thereby, to the Earl of Stirling. On this representation they were convinced,
" and desisted."—(*Savage's Winthrop's New England*, vol. ii. p. 34.)

Mr Neal also mentions to much the same purpose: " The inhabitants of Lyn being
" straitned for room, went over into Long Island, and having agreed with the Lord
" Stirling's agent and with the Indian proprietors, they began a settlement at the west
" end of it ; but the Dutch giving them a great deal of disturbance, they deserted their
" plantation in those parts, and settled, to the number of an hundred families, at the
" east end of the island, where they built the town of South Hampton ; and by the ad-
" vice of the Government of the Massachuset-Bay, erected themselves into a civil go-
" vernment."—(*Neal's New England*, p. 189.)

In the same year, 13th October, the deputy of the Earl made a grant, under the authority of the letters-patent aforesaid, of the island of Nantucket and two small islands adjacent, which bears special reference to his commission from the Earl.

On 12th March 1664, James, Duke of York, obtained from his brother, King Charles II. a patent for the province of New York, granting to him, " his heires and assigns,
" all that part of the Maine land of New England, *beginning att a certain place, called*
" *or knowne by the name of St Croix*, next adjoining to New Scotland, in America,
" and from thence extending along the sea-coast unto a certain place called Petnaquine
" or Pemaquid, and so up the river thereof to the furthest head of the same as it tend-
" eth northwards, and extending from thence *to the river of Kenebeque*, and so up-
" wards by the shortest course to the river Canada northwards ; and also, all that
" island or islands commonly called by the severall name or names of Meitowacks or Long
" Island, situate, lying and being towards the west of Cape Codd and the Narrhagh-
" gansetts, abutting upon the Maine land, between the two rivers called or knowne by
" the severall names of Conecticott and Hudson's river, together also with the said
" river called Hudson's, and all the land from the west side of Conecticott to the east side
" of Delaware Bay ; and also, all those severall islands called or knowne by the name of
" Martin's (Martha's) Vineyards, and Nantukes, otherwise Nantuckett."

The tract of land lying between St Croix and the river Kenebeck, it has been seen, was conveyed by the Plymouth Company to William, Earl of Stirling ; and from its being included in the patent from the King to the Duke of York, it might be inferred, that the successors of the Earl had bargained to dispose of their right or title to his Royal Highness. It is not true, however, that the then Earl of Stirling, or his father, Henry, the third Earl, did so, or that they ever divested themselves of the same ; but

the inclusion of that tract in the patent to the Duke of York is to be attributed altogether to the circumstances now to be related.

The Duke having a design to establish the province of New York, which before had the name of *Nova Belgia*, and hearing much of the goodness of the soil of the contiguous island of Long Island, he applied to Henry, the fourth Earl of Stirling, for the purchasing of his right to that island.

From the time of the civil wars in England, subsequent to the death of Henry, the third Earl of Stirling, which took place in 1644, the American possessions of his family were almost totally neglected. The above-mentioned Henry, his son, the fourth Earl, having, in consequence, very little benefit arising from them, while a great expenditure was necessary for their protection, consented, for a valuable consideration, to a surrender of Long Island in favour of the Duke of York, who would be better enabled to secure and advance its prosperity; and, at the same time, the Earl should receive a more certain and beneficial income, in return for the surrender, than at that juncture was derivable by him from having the island in his own possession. The stipulated consideration is said to have been L.300 sterling *per annum*, of which, it is further said, no part was ever paid.

The conditions of surrender being agreed to, the Duke or his agents received the Earl's title-deeds, so as the boundaries of Long Island might be properly described in the Duke's patent; but as, in the same instrument by which that island was made over by the Plymouth Company to William Earl of Stirling, the aforesaid tract of land, lying between St Croix and the river Kenebeck, was likewise conveyed to him, not only the description of the boundaries of Long Island was taken into the patent to the Duke, but, by mistake, or otherwise, the description of the tract in question was also inserted. The patent to his Royal Highness contains a declaration, which certainly is of an unusual tenor, and might warrant the suspicion that a fraudulent purpose of some sort was contemplated: "And lastly, our will and pleasure is, and wee doe hereby declare "and graunt, that these our letters-pattents, or the inrollment thereof, shall be good "and effectuall in the law to all intents and purposes whatsoever, notwithstanding the "not reciting or mentioning of the premisses, or any part thereof, or the meeths and "bounds thereof, or of any former or other letters-pattents or graunts heretofore made "or graunted of the premisses, or of any part thereof, by us or any of our progenitors, "unto any *other* person or persons whatsoever, bodyes politique or corporate." Still the Duke never allowed his deputies or agents to enter upon possession of the said tract, and it has remained ever since, to a great extent, unoccupied, both by the Crown of Great Britain, and, as it is understood, by the United States, under whose government it was appointed to be fixed by the provisional articles of peace which served as the basis of the second treaty of Paris, 3d September 1783.

During the possession of Long Island by the Earls of Stirling, they continued to

grant patents for land to settlers. " In June 1639, Forrest, (Farrett,) the agent of " Earl Stirling, transferred a considerable part of the eastern extremity of Long Island " to Howel and his associates, (inhabitants of Conecticut,) with such powers of govern- " ment as had been communicated to that nobleman by the Plymouth Company. New " York Papers. Plantation Office, Whitehall, vol. i. p. 1." (*Chalmers' Political Annals*, p. 571.) Gardiner's Island, to the north of Long Island, and the lands belonging to the inhabitants of South Hampton, were purchased of the natives, and the proprietors severally had their purchases confirmed by the deputy of the Earl of Stirling. In 1665, Colonel Nicolls, deputy-governor under the Duke of York, required that new patents should be taken out by the proprietors to hold the lands of his Royal Highness, and a patent for Gardiner's Island was taken out from the governor. But the inhabitants of South Hampton remonstrated against what had been required of them, and represented to the new governor, Francis Lovelace, that they had " already " the patent right" for their lands " lawfully obtained and derived from the Honourable " Earl of Stirling," which they conceived superseded the necessity of their taking out any further patent. Nevertheless they were refused any redress ; and on 8th October 1670, the Court of Assize, an arbitrary tribunal, composed of the governor and his council, attended by more or fewer magistrates, declared the titles to lands in that town invalid, unless the patent required was obtained within a limited period.

In the time of the aforesaid Henry, the fourth Earl of Stirling, the country of Maine was greatly harassed and overrun by the Indians and the French, insomuch that the colonists were obliged to apply to the Massachusetts-Bay government for assistance. An historian of America, Mr Sullivan, observes, " All the eastern country was " abandoned. The people could obtain no assistance from the Massachusetts-Bay " colony, because the jurisdiction of that government over them was denied by those " who contended to hold it under the Duke of York, and part of the country which was " east of Penobscot was said to be under the jurisdiction of the Earl of Stirling." (*History of Maine*, p. 172.)

For want of protection, therefore, the territory fell into the hands of the French, who, whilst they held Nova Scotia, included it in their governors' commissions.

On 7th October 1691, King William and Queen Mary granted the charter before mentioned to the inhabitants of Massachusetts-Bay *, whereby their Majesties gave to the legislature of that province the jurisdiction of the country embraced within the limits of the tract or territory above described, but with a saving clause as to all former grants or conveyances ; and with an express proviso, that no grants of the lands, nay " of " any lands lying or extending from the river of Sagadahock to the Gulf of St Lawrence

* *Vide supra*, page 7.

" and Canada river, and to the main sea, northward and eastward," should be of any force, validity or effect, until the royal approbation of the same should have been signified.

This territory was finally reconquered, with Nova Scotia, from the French, in 1710; and upon the reconquest, and its definitive cession to Great Britain by the treaty of Utrecht, it remained under the government of the province of Massachusetts-Bay; and the property of the soil remains the right of the heir of the patentee, which Alexander, the present Earl of Stirling, was proved to be, by the verdict of a Jury at Edinburgh, 11th October 1830, on an inquest made for that purpose.

CHAPTER VII.

TERRITORY AND ISLANDS, CONVEYED BY LETTERS-PATENT, OF A PART OF MAINE AND OTHERS, TO WILLIAM, EARL OF STIRLING.

That part of the Maine land of New England, beginning at a certain place called or known by the name of St Croix, next adjoining to Nova Scotia in America, and from thence extending along the sea-coast to a certain place called Petnaquine or Pemaquid, and so up the river thereof to the furthest head of the same as it tends northwards, and extending from thence, at the nearest, to the River Kenebekike or Kenebeck, and so upwards by the shortest course which tends to the River Canada or St Lawrence northwards.

The island or islands commonly called by the several name or names of Meitowacks or Long Island, with all and every the islands thereunto adjacent, lying or being situate, or bounded, between forty and forty-one degrees of north latitude, or thereabouts.

Long Island, some time called by the Dutch *Nassau Island*, and afterwards, whilst in the possession of the Stirling family, the *Island of Stirling* *, is 140 miles long, and from 1 to 15 broad. It is separated by Long Island Sound from the State of Conecticut, and by the East River from Mahanatoes or Manhattan, or York, Island, on which stands New York, that formerly bore the name of *New Amsterdam*.

Gardiner's Island, to which the Indians gave the name of *Manchonack*, lies to the north of Long Island.

Great Bay, on the east side of Long Island, contains Shelter and Robin Islands.

Martha's Vineyard is an island lying nearer to the shore of the State of Massachusetts. It is sixteen miles long and eight broad.

The island of Nantucket, also near to the shore of Massachusetts, is fifteen miles long and four broad.

Elizabeth Islands are formed by a row of islands about eighteen miles long.

* The large bay, too, which, and the river Restigouche, on the north of New Brunswick, divide that province and Gaspé district, now commonly called the Bay de Chaleur, is distinguished in the maps of 1763, and prior thereto, by the name of *Stirling Bay*.

APPENDIX.

No. I.

Letter from King Charles I. to the Privy Council of Scotland, anent Baronetis.

CHARLES R.

RIGHT trustie and right wel-beloued counsellour, right trustie and right wel-beloued cosens and counsellouris, and trustie and wel-beloued counsellouris, WE GREETE YOU WELL. UNDERSTANDING that our late deare father, after due deliberatioun, for furthering the plantatioun of New Scotland, and for sindrie other good consideratiounes, did determine the creatting of Knight Baronetis thair; and that a proclamatioun wes maid at the mercat croce of Edinburgh, to gif notice of this his royall intentioun, that those of the best sort knowing the same might haif tyme to begin first, and be preferred unto otheris, or than want the said honnour in their awne default: AND UNDERSTANDING likewayes, that the tyme appointit by the Counsell for that purpois is expyred, We being willing to accomplishe that whiche wes begun by our said deare father, haif preferred some to be Knight Baronetis, and haif grantit unto thame signatouris of the said honnour, togither with thrie mylis in breadth and six in lenth of landis within New Scotland, for their severall proportiounes: AND now that the saidis plantatiounes intendit thair, tending so much to the honnour and benefite of that our kingdome, may be advanced with diligence, and that preparatiounes be maid in due tyme for setting furthe a colonie at the next spring, to the end that those who are to be Baronetis, and to help thairunto, may not be hinderit by comeing unto us for procureing their grantis of the saidis landis and dignitie, bot may haif thame thair with lesse trouble to themselffis and unto us, We haif sent a commissioun unto you for accepting surrenderis of landis, and for conferring the dignitie of Baronet upon suche as salbe fund of qualitie fitt for the samine, till the nomber appoynted within the said commissioun be perfited: AND THEREFORE OUR PLEASURE IS, That you expede the commissioun through the sealis with all diligence, and that you, and otheris of our Privie Counsell thair, give all the lawfull assistance that you can convenientlie affoord for accomplisheing the said worke, whereby colonies sould be sett furthe; and certifie from us, that as we will respect thame the more who imbrace the said dignitie and further the said plantatioun, so if ony Knight who is not Baronet presoome to tak place of one who is Baronet, or if ony who is not Knight stryve to tak place of one who hes the honnour from us to be a Knight, inverting the order usuall in all civill pairtis, WE WILL that you censure the pairty transgressing in that kynd, as a manifest contempnar of our authoritie, geving occasioun to disturb the publict peace. So recommending this earnestlie to your care, We bid you farewell. *Windsore, the 19th of July* 1625.

(Public Records of Scotland, Edinburgh.)

No. II.

Litera pro creandis Baronettis. See p. 6.

Carolus Dei gratia Magne Britannie Francie et Hibernie Rex Fideique Defensor Omnibus probis hominibus suis ad quos presentes litere pervenerint Salutem Sciatis Quia nos ex nostra regali et sincera affectione quam erga decus et reputationem antiqui et nativi regni nostri Scotie gerimus ut plantationes et colonie per subditos nostros dicti regni in illa regione et loco in America vulgo nuncupat per nomen Nove Scotie constituantur hactenus opera et labore predilecti nostri consiliarii Domini Willielmi Alexander de Menstrie Militis nostri Secretarii ac infra dict regionem nostri Locumtenentis detect et perlustrat ubi prius nomen Scotie neque notum neque auditum fuit nos pro meliori adjumento et incremento nostre regalis resolutionis (que resolutio propagationem Christiane religionis verumque Dei cultum vice cecitatis et barbarismi proportat quibus dicta loca perprius misere et totaliter infecta fuerunt) jam ereximus quendam hereditarium gradum statum dignitatem nomen ordinem et stilum Baronetti infra dict regnum Scotie et regionem Nove Scotie remansurum pro perpetuo quemquidem gradum nos in hujusmodi nostros subditos dicti regni nostri Scotie jamjam collocavimus ac postea collocabimus qui suis propriis sumptibus dictam plantationem assistent Ac etiam consideran quod quidem generosi sufficien redituum qualitatis et status infra dict regnum nostrum Scotie e generoso et laudabili suorum dispositione et emulatione in hoc puncto dignas molitiones ullorum nostrorum subditorum sequendo concurrere cumque iis in dicta plantatione semetipsos conjungere vehementer desiderabunt nos etiam volen recipere et admittere eosd in dict ordinem et statum Baronetti tanquam argumentum nostre gratiose acceptationis eorum intentionum et resolutionum secundum conditiones prefate plantationis inchoate semper et donec plenus et constitutus numerus centum et quinquaginta Baronettorum impleatur nec non consideran quod tediosum et sumptuosum foret pro eo negotio ad aulam nostram iter facere ac similiter quod nobis omni tempore ob alia gravia et magna negotia dict resignationes expedire non vacabit Idcirco nos pro adjumento et relevamine nostrorum subditorum a molestia quam eorum ad aulam nostram profectio minime necessaria pro dict negotiorum expeditione afferre possit nobis visum est quendam numerum nostri Secreti Consilii dicti regni nostri Scotie constituere ad quem omnes nostri subditi volen conjungere semetipsos dicte plantationi dummodo sint honesto loco nati sufficien reditibus instructi venire et recipere possunt eand dignitatem et creationem eorumque literas patentes ob effectum predict semper et donec dict certus numerus constitutus dict centum et quinquaginta Baronettorum impleatur et ad hunc effectum nominavimus designavimus fecimus et constituimus tenoreque presentium nominamus designamus facimus

No. II.

Commission by his Majesty to certain of the Privy Council of Scotland.

CHARLES, by the Grace of God, King of Great Britain, France and Ireland, and Defender of the Faith, To all his good men to whom the present letters shall come, Greeting. Know ye, whereas we, of our royal and sincere affection which we bear to the honour and reputation of our ancient and native kingdom of Scotland, that there may be established some plantations and colonies by our subjects of the said kingdom in that country and place in America commonly called by the name of Nova Scotia, already discovered and surveyed by the pains and travel of our well-beloved counsellor, Sir William Alexander of Menstrie, Knight, our Secretary, and our Lieutenant in the said country, where before the name of Scotland was neither known nor heard, we, for the better help and advancement of our royal resolution, (which resolution proports the propagation of the Christian religion, and the true worship of God, instead of blindness and barbarism with which the said places were miserably and altogether before infected,) have already erected a certain hereditary degree, state, dignity, name, order and style of Baronet, for ever to remain within the said kingdom of Scotland, and country of Nova Scotia, which degree we have already bestowed, and are hereafter to bestow upon such of our subjects of our said kingdom of Scotland who will assist the said plantation upon their own charges: As also, considering that sundry gentlemen of sufficient revenues, quality and estate, within our said kingdom of Scotland, out of their generous and laudable disposition and emulation to follow in this point the worthy enterprises of others our subjects, will earnestly desire to concur, and to join themselves with them in the said plantation, we also being willing to receive and admit them into the said order and state of Baronet, as an argument of our favourable acceptance of their intentions and resolutions, conform to the conditions of the said plantation begun, ay and until the full and appointed number of one hundred and fifty Baronets be completed; and also, considering that it would be tedious and expensive for that matter to repair to our Court, as likewise that we will not always be at leisure for expeding of resignations foresaid, for other great and weighty business: Therefore we, for the help and relief of our subjects from the trouble which their unnecessary coming to our Court might bring to them for expeding of such business, have thought good to appoint a certain number of our Privy Council of our said kingdom of Scotland, to whom all our subjects who are willing to join themselves to the said plantation, so that they be well born, and of sufficient means, may come and receive the said dignity and creation, and their letters-patent for the effect foresaid, ay and until the said certain appointed number of the said one hundred and fifty Baronets be completed; and to this effect we have nominated, designed, made and appointed, and by these presents nominate, design, make and appoint the most reverend father in

et constituimus reverendissimum in Christo patrem Johannem Sancti Andree Archiepiscopum predilectum nostrum consiliarium Dominum Georgium Hay de Kinfaunis Militem dicti regni nostri Scotie Cancellarium predilectos nostros consiliarios Johannem Comitem Marre dicti regni Thesaurarium Willielmum Comitem de Mortoun Robertum Comitem de Nithisdaill Georgium Comitem de Wintoun Robertum Comitem de Roxburgh Johannem Comitem de Annandaill Willielmum Vicecomitem de Air reverendum in Christo patrem Patricium Episcopum Rossen predilectos nostros consiliarios Dominos Archibaldum Naper de Merchinstoun Militem Thesaurarium-deputatum Georgium Elphingstoun de Blythiswod nostre Justiciarie Clericum Alexandrum Strauchane de Thorntoun Militem Baronettum et Johannem Scott de Scottistarvet nostre Cancellarie Directorem Miletes omnes de Scaccario nostro existen vel quoscunque eorum sex nostros Commissionarios ad effectum subscript dan conceden et committen prefatis nostris Commissionariis nostram plenam potestatem et commissionem conveniendi hujusmodi temporibus diebus et locis prout iis visum fuerit et ibidem audiendi petitiones dict nostrorum subditorum qui dict plantationem intendent et eand amplecti volent ac conferendi agendi et desuper concludendi cum iisdem ad recipiend resignationes omnium terrarum jacen infra dict regionem Nove Scotie quas in eorum manibus tanquam in manibus nostrorum Commissionariorum per prefat Dominum Willielmum Alexander suosve legitimos procuratores suo nomine in favorem alicujus persone vel aliquarum personarum resignari contigerit et dandi et concedendi nova hereditaria infeofamenta sub nostro magno sigillo dicti regni nostri Scotie iis quibus dicte resignationes dict terrarum et dict gradus status ordinis dignitatis nominis tituli et stili concesse sunt cum hujusmodi privilegiis prerogativis immunitatibus libertatibus aliisque quibuscunque concess et concedend per nos in cartis jam expeditis Baronettis dicti regni gaudere et possidere hereditarie tanquam speciale signum nostri regalis in eos favoris super quibus dict gradus et dignitas Baronetti per dict Commissionarios conceditur et qui habebunt iis infeofamenta concess ut dictum est hujusmodi locis et precedentiis secundum tempus datamque eorum literarum paten et infeofamentorum iis concedend et non aliter fruentur et gaudebunt Proviso omnimodo sicuti nos volumus et ordinamus quod dicti nostri Commissionarii nullas literas paten seu infeofamenta quarumcunque terrarum infra dict regionem Nove Scotie concedent nisi super resignatione dict Domini Willielmi Alexander suorumque heredum et assignatorum eorumve legitimorum procuratorum eorum nominibus potestatem haben neque dict gradum dignitatem statum nomen titulum et stilum Baronetti cuicunque persone vel quibuscunque personis dabunt concedent vel impendent literasque paten seu infeofamenta concedent nisi iis qui per dict Dominum Willielmum Alexander suosque heredes et assignatos eorumve legitimos procuratores et commissionarios per eos ad hunc effectum constituendos et eorum potestatem haben nominabuntur et qui coram dict Commissionariis testimonium dict Domini Willielmi Alexander suorumve procuratorum et commissionariorum eorum potestatem (ut dictum est) haben subscript habebunt et producent declaran et ostenden eos conditiones dicte plantationes dict Domino Willielmo Alexander suisque predict implevisse pro eorum propriis partibus pro incremento plantationis dicte regionis Nove Scotie Et si placuerit dict

Christ, John, Archbishop of St Andrews, our well-beloved counsellor, Sir George Hay of Kinfaunis, Knight, Chancellor of our said kingdom of Scotland, our well-beloved counsellors, John, Earl of Mar, Treasurer of the said kingdom, William, Earl of Mortoun, Robert, Earl of Nithisdaill, George, Earl of Wintoun, Robert, Earl of Roxburgh, John, Earl of Annandaill, William, Viscount of Ayr, the reverend father in Christ, Patrick, Bishop of Ross, our well-beloved counsellors, Sir Archibald Naper of Merchinstoun, Knight, Treasurer-depute, Sir George Elphingstoun of Blythiswod, Knight, our Justice-Clerk, Sir Alexander Strauchane of Thorntoun, Knight Baronet, and Sir John Scott of Scottistarvet, Knight, Director of our Chancery, all being of our Exchequer, or any six of them, our Commissioners, to the effect under written, giving, granting and committing to our said Commissioners our full power and commission to meet at such times, days and places as they shall think expedient, and there to hear the petitions of our said subjects who intend the said plantation, and are willing to embrace the same, and to confer, make, and thereupon conclude with them to receive resignations of all lands lying within the said country of Nova Scotia which shall happen to be resigned in their hands, as in the hands of our Commissioners, by the said Sir William Alexander, or his lawful procurators in his name, in favour of any person or persons, and to give and grant new heritable infeftments under our great seal of our said kingdom of Scotland, to those to whom the said resignations are granted of the said lands, and of the said degree, state, order, dignity, name, title and style, with such like privileges, prerogatives, immunities, liberties and others whatsoever, which are granted and to be granted, in the charters already passed, to the Baronets of the said kingdom made by us, to be enjoyed and possessed hereditarily, as a special token of our royal favour, and that those to whom the said degree and dignity of Baronet is given by the said Commissioners, and shall have the infeftments granted to them, as said is, shall enjoy and keep such places and precedencies, conform to the time and date of their letters-patent, and infeftments to be granted to them, and no otherwise: Providing always, likeas we will and ordain, that our said Commissioners shall grant no letters-patent, or infeftments of any lands within the said country of Nova Scotia, except upon resignation of the said Sir William Alexander, and his heirs and assigns, or of their lawful procurators in their names, having their power, neither shall they give, grant or bestow the said degree, state, name, title and style of Baronet to any person or persons whatsoever, or shall grant the letters-patent, or infeftments, except to those who shall be nominated by the said Sir William Alexander, and his heirs and assigns, or their lawful procurators and commissioners, to be established by them to this effect, and having their power, and who shall have and produce before the said Commissioners a testimonial subscribed of the said Sir William Alexander, or his heirs and assigns, or of their lawful procurators and commissioners, having their power, (as said is,) declaring and shewing that they have fulfilled the conditions of the said plantation to the said Sir William Alexander, and his aforesaid, for their own parts, for the advancement of the plantation of the said country of Nova Scotia: And if it please

Domino Willielmo Alexander suis heredibus et assignatis vel eorum legitimis procuratoribus eorum potestatem (ut dictum est) haben pro meliori incremento dicte plantationis resignare et extradonare aliquas terras infra dict regionem Nove Scotie in nostris nostrorumve successorum manibus in favorem alicujus persone seu aliquarum personarum pro novo earum infeofamento iis concedend vel de dicto titulo Baronetti in hoc casu damus et concedimus prefat Commissionariis potestatem dict resignationes recipiendi et desuper nova hereditaria infeofamenta de novo de eisd terris sic resignat concedendi in et ad favorem dict personarum in quarum personarum favorem concipiuntur et conceduntur per dict Dominum Willielmum Alexander suosque predict Tenend de nobis et successoribus nostris cum simili modo tentionis ac cum hujusmodi privilegiis libertatibus et commoditatibus quibuscunque sicuti in literis paten dict Baronettorum hactenus per nos concess continetur except solummodo gradu dignitate statu nomine ordine titulo et stilo Baronetti Insuper volumus concedimus et ordinamus quod dabunt et concedent omnes hujusmodi literas paten et infeofamenta per dict Commissionarios modo predicto concedend vel de terris et titulo conjunctim vel de terris tantum vel de dicto titulo Baronetti libere et absque aliqua pecuniali compositione nobis pro Thesaurario seu Thesaurario-deputato dict regni nostri Scotie per eos eorumve aliquem eo circa solvend Preterea nos consideran quod necessarium et expediens est pro decore et dignitate dicte regionis Nove Scotie quod eadem propria et particularia insignia per nos constituend et concedend haberet omnique tempore futuro nostra speciali gratia certa scientia proprio motu menteque deliberata declaravimus concessimus constituimus et ordinavimus tenoreque presentium declaramus concedimus constituimus et ordinamus hec insignia sequen insignia fore Nove Scotie viz Argentum lie *Argent* antiqua insignia dict antiqui regni nostri Scotie in cruce cerulea vulgo nuncupat *Saltiere azure* supportat per unicornem in latere dextro et sylvestrem in sinistro ac pro crista ramum laureum et carduum e manu armata et nuda conjuncta proceden cum hoc elogio MUNIT HÆC ET ALTERA VINCIT ad eandem regionem et dominium Nove Scotie tanquam illius propria insignia pertinere et spectare Insuper nos dedimus et concessimus tenoreque presentium damus et concedimus nostram plenam potestatem et commissionem prefat Commissionariis alterandi et renovandi sigillum dicte regionis Nove Scotie jamdudum prefato Domino Willielmo Alexander nostro in dicta regione et dominio Locumtenenti dat et concess ac vel insculpi causandi in unolatere dicti sigilli dicte regionis Nove Scotie tantum vel aliquam aliam formam et impressionem super idem sicuti prefat Domino Willielmo Alexander suisque predict expediens videbitur dictumque sigillum sic renovatum et mutatum hujusmodi forma et modo prout dicti Commissionarii nostri cum avisamento dict Domini Willielmi Alexander suorumque predict volunt et constituunt quod idem per nostros Commissionarios dict Domino Willielmo Alexander suisque predict dabitur et concedetur per ipsum suosque Leredes et assignatos seu deputatos nostros nostrorumque successorum in eadem regione Nove Scotie Locumtenentes fruend et possidend ad effectum mentionat et content in eorum infeofamento dict terrarum bondarum et regionis Nove Scotie iis concess Firmum et stabile haben et habitur totum et quicquid dict nostri Commissionarii in premissis aut eo circa rite faciend duxerint et hac presenti nostra commissione absque revocatione

the said Sir William Alexander, his heirs and assigns, or their lawful procurators, having their power (as said is) for the better advancement of the said plantation, to resign and upgive any lands within the said country of Nova Scotia, in the hands of us or our successors, in favour of any person or persons, for their new infeftment thereof to be granted to them, or of the said title of Baronet, in that case we give and grant to the said Commissioners power to receive the said resignations, and thereupon to grant new heritable infeftments again of the said lands so resigned, to and in favour of the said persons in whose favour they are conceived and granted by the said Sir William Alexander and his foresaids; To be holden of us and our successors, with the like manner of holding, and with the like privileges, liberties, and commodities whatsoever as are contained in the letters patent of the said Baronets already granted by us, except only the degree, dignity, state, name, order, title, and style of Baronet. Moreover, we will, grant, and ordain, that they shall pass and grant all such letters patent and infeftments which shall be granted by the said Commissioners, after the manner above written, either of the lands and title conjunctly, or of the lands only, or of the said title of Baronet, freely, and without any pecuniary composition to be paid therefor to our treasurer, or treasurer-depute, of our said kingdom of Scotland, by them or any of them. Further, we, considering that it is necessary and expedient, for the honour and dignity of the said country of Nova Scotia, that it should have proper and particular arms, to be appointed and granted by us in all time hereafter, out of our special grace, certain knowledge, proper motive, and deliberate mind, have declared, granted, appointed, and ordained, and by these presents declare, grant, appoint, and ordain these *insignia* to be the arms of Nova Scotia, as follows, namely: Argent, the ancient arms of our said ancient kingdom of Scotland, on a blue cross, commonly called a saltier azure, to be supported by the unicorn on the right side, and a savage man on the left, and for the crest a laurel branch, and a thistle proceeding out of an armed hand and a naked conjoined, with this motto, MUNIT HÆC ET ALTERA VINCIT, to pertain and belong to the said country and dominion of Nova Scotia, as the proper arms thereof. Moreover, we have given and granted, and, by these presents, give and grant, our full power and commission to the said Commissioners to alter and renew the seal of the said country of Nova Scotia, already given and granted to the aforesaid Sir William Alexander, our lieutenant in the said country and dominion; and either to cause be engraven in the one side of the said seal (the said arms) of the said country of Nova Scotia only, or any other form and impression thereupon as shall seem expedient to the said Sir William Alexander and his foresaids, and that the said seal, so renewed and altered in such form and manner as our said Commissioners, with advice of the said Sir William Alexander and his foresaids, will and appoint, shall be given and granted by our Commissioners to the said Sir William Alexander and his foresaids, to be enjoyed and possessed by him and his heirs, and assigns or deputies, being our and our successors' lieutenants in the said country of Nova Scotia, to the effect mentioned and contained in their infeftment of the said lands, bounds, and country of Nova Scotia granted to them: Firm and stable holding, and To hold, all and whatsoever our said Commissioners righteously lead to be done in

semper et donec completus numerus dict. Baronettorum impleatur duratura. In cujus rei testimonium presentibus magnum sigillum nostrum apponi precepimus apud *Halyrud hous*, vigesimo quinto die mensis Julis, anno Domini millesimo sexcentesimo vigesimo sexto, et anno regni nostri secundo.

Per signaturam signo. S D. N. Regnis supra signatam ac manibus quorund Dominorum Secreti Consilii Commissionariorum subscriptam.

(*Public Records of Scotland, Edinburgh.*)

the premises or thereanent; and this our present Commission to endure without revocation, ay, and until the complete number of the said Baronets be fulfilled. In witness whereof we have directed our Great Seal to be affixed to these presents at Holyrood House, the twenty-fifth day of July, in the year of our Lord, one thousand six hundred and twenty-six, and of our reign the second year.

By signature above marked with the sign of our Sovereign Lord the King, and subscribed with the hands of certain of the Lords Commissioners of the Privy Council.

No. III.

Warrant to the Baronets to wear a Cognizance or Badge.

CHARLES R. RIGHT trustie and right well-beloued cousin and counsellour, right trustie and well-beloued cousins and counsellouris, and right trustie and well-beloued counsellouris, WE GREETE YOU WELL. WHEREAS, upon good consideration, and for the better advancement of the plantatioun of New Scotland, which may much import the good of our service, and the honour and benefite of that our auncient kingdome, our royall father did intend, and wee have since erected the order and title of Barronet in our said auncient kingdome, which wee have since established, and conferred the same upon diverse gentlemen of good qualitie: AND SEEING our trustie and well-beloued counsellour, Sir William Alexander, Knight, our Principall Secretarie of that our auncient kingdome of Scotland, and our Lieutenant of New Scotland, who these many years by past hath been at greate charges for the discoverie thereof, hath now in end settled a colonie there, where his sone Sir William is now resident: AND wee being most willing to afford all possible meanes of encouragement that convenientlie wee can to the Barronets of that our auncient kingdome, for the furtherance of so good a worke, and to the effect they may be honoured, and have place in all respects according to their patents from ws, wee have been pleased to authorize and allow, as by these presents for ws and our successouris, wee authorize and allow the said Lieutenant and Barronets, and euerie one of them, and their heires-male, to weare and carie about their neckis in all time cuming, ane orange tannie silke ribban, whereon shall heing pendant in a scutcheon argent a saltoire azur thereon, ane inscutcheon of the armes of Scotland, with ane imperiall crowne aboue the scutcheon, and encercled with this motto, FAX MENTIS HONESTÆ GLORIA; which cognoissance our said present Lieutenant shall delyver now to them from ws, that they may be the better knowen and distinguished from other persounis. AND that none pretend ignorance of the respect due unto them, OUR PLEASURE THEREFORE IS, that by open proclamatioun at the marcat croces of Edinburgh, and all other head brughs of our kingdome, and such other places as you shall thinke necessar, you cause intimate our royall pleasure and intentioun herein to all our subjects: AND if any persoun, out of

neglect or contempt, shall presume to tak place or precedence of the said Barronets, their wyffes or children, which is due unto them by their patents, or to weare their cognoissance, WEE WILL, that upon notice thereof given to you, you cause punishe such offenderis, by fyning and imprisoning them as you shall thinke fitting, that otheris may be terrified from attempting the like: And wee ordaine, that from time to time, as occasioun of granting and renewing their patents or their heires succeiding to the said dignity shall offer, that the said power to them to carie the said ribban and cognoissance, shalbe therein particularlie granted and insert: AND wee likewise ordaine these presents to be insert and registrat in the books of our Counsell and Exchequer, and that you cause registrat the same in the books of the Lyon King at Armes and Heraulds, there to remain *ad futuram rei memoriam*, and that all parties having interesse may have authentik copies and extracts thereof; and for your so doing, these our letters shalbe unto you, and euerie one of you from time to time, your sufficient warrant and discharge in that behalffe. GIVEN at our court of *Whythall*, the 17th of November, 1629.

To our right trustie and right well-beloued cousin and counsellour; to our right well-beloued cousins and counsellouris; to our right trustie and well-beloued counsellouris, and trustie and well-beloued counsellouris, the Viscount of Dupleine, our Chancellour of Scotland, the Earle of Monteith, the President, and to the remanent Earls, Lords, and otheris of our Privie Counsell of our said kingdome.

(Public Records of Scotland, Edinburgh.)

No. IV.

Acts of Convention of Estates. See p. 3.

Apud Holyrood House, ultimo die mensis Julii 1650.

THE estates presentlie convened all in one voice, ratifies, allows, approves, and confirms the dignitie and order of Knights Baronets, erected by his Majestie, and his late dear father of blessed memorie, and conferred by them upon sundrie gentlemen of good qualitie, for their better encouragement and retribution of their undertakings in the plantation of New Scotland, with all the acts of secret council and proclamations following thereupon, made for maintaining of the said dignitie, place, and precedence due thereto, to continue and stand in force in all time coming; and that intimation be made hereof to all his Majestie's lieges, by open proclamation at the mercat cross of Edinburgh, and other places needful.

The estates presentlie convened having dulie considered the benefit arising to this kingdom by the accession of New Scotland, and the successful plantation already made there by the gentlemen undertakers of the same, in regard whereof, and that the said lands and territories of New Scotland are, by the patent thereof, made in favour of Sir William Alexander of Menstrie, Knight, his Majesty's Secretarie annexed to the Crown, therefore the said estates, all in one voice, has

concluded and agreed that his Majestie shall be petitioned to maintain his right of New Scotland, and to protect his subjects, undertakers of the said plantation, in the peaceable possession of the same, as being a purpose highlie concerning his Majestie's honour, and the good and credit of this his ancient kingdom.

(Acts of Parliament.)

No. V.

Letter from King Charles I. to the Lords of Council. See p. 4.

RIGHT, &c. Seeing we have seen, by a letter from you, the order of Baronets erected by our late dear father and us, for furthering the plantation of New Scotland, was approved by the whole estates of our kingdom at the last Convention; and that we understand, both by the reports that came from thence, and by the sensible consideration and notice taken thereof by our neighbour countries, how well that work is begun, Our right trustie and well beloved Counsellor, Sir William Alexander, our Lieutenant there, having fullie performed what was expected from him, for the benefit which was intended for him, by (the creation of) these Baronets, being very desirous that he should not suffer therein, but that he and others may be encouraged to prosecute the good beginning that is made, as we heartilie think all such as have contribute their aid by contracting with him for advancing of the said work alreadie, Our pleasure is, that you seriouslie consider, either amongst you all, or by a committee of such as are best affectioned towards that work, how it may be best brought to perfection; for we are so far (whatsoever controversie be about it) from quitting our title to New Scotland and Canada, that we will be verie careful to maintain all our good subjects who do plant themselves there, and let none of the Baronets any way be prejudged in the honour and privileges contained in their patents, by punishing of all that dare presume to wrong them therein, that others may be encouraged to take the like course, as the more acceptable unto us, and the nearer to a title of nobilitie, whereunto that of Baronet is the next degree: And, if the said Sir William, as our Lieutenant of New Scotland, shall convene the Baronets to consult together concerning that plantation, we hereby authorize him, and will you to authorize him, as far as is requisite for that effect, willing that proclamation be made of what we have signified, or of what you shall determine for furthering that work, whereof we recommend the care to you, as a matter importing speciallie our honour and the good of that our ancient kingdom.

GREENWICH, 12*th July*, 1631.

(Advocates' Library, Edinburgh.—Earl of Stirling's Register of Letters of King Charles I. &c. M.S.)

No. VI.

Pro Rege Gallorum. See p. 4.

Carolus, dei gratia Magne Britannie, Francie, et Hibernie, Rex, fideique defensor, &c. Omnibus hasce visuris Salutem. Quandoquidem omnino justum equum et bonum judicamus, ut jam tandem pax et concordia nuper inter nos et Regem Christianissimum, fratrem nostrum charissimum, pristinum vigorem et effectum recuperent, atque adeo omnes controversus et difficultates que hactenus sunt inde intercalaria inter nostra regna et subditos mutuo redintegrata et perfecta reconciliatione utrinque removeantur et aboleantur, in quem finem, nos, inter alias conditiones ex nostra parte prestandas, consensimus defectionem facere fortalicii seu castri et inhabitationis Portus Regalis, vulgo *Port Royal*, in Nova Scotia, qui flagrante adhuc bello vigore diplomatis seu commissionis sub regni Scotie Sigillo pro derelicto captus et occupatus fuerit, et illud tamen sine ullo prejudicio juris aut tituli nostri aut subditorum nostrum imposterum: Nos promissorum atque verbi nostri regii fidem quibuscunque contrariis rationibus et objectionibus hac super re illatis aut inferendis anteferentes, hisce literis asserimus, et in verbo regis promitti mus, nos precepturos curaturos et effecturos ut a nostris in dicto fortalicio sive castro et habitatione Portus Regalis, vulgo *Port Royal*, subsistentibus subditis suis, seu milites presidialii sui seu coloni et incole ibidem morentur et habitent; immediate quam primum nostre jussionis litere, a deputatis vel commissariis qui easdem a prefato nostro fratre charissimo Rege Christianissimo, eo mandandi, habebunt efferendas, ipsis erant exhibite et perlecte, atque redeundi facultas data, dictum castrum seu fortalicium et habitatio in Portu Regali durentur, deserentur, relinquantur, denique, arma, tormenta, commeatus, armenta, bona et utensilia, inde asportentur. In cujus rei testimonium has literas nostras manu nostra et magno regni nostri Scotie Sigillo signare et confirmare volumus, que dabantur ex palatio nostro *Grenovici*, die 28 mensis Julij, anno Domini 1631, et nostri regni septimo.

(*Earl of Stirling's Register.*)

No. VI.

Letters Patent by his Majesty concerning the delivering up to the French King of the fort and place of Port Royal in Nova Scotia.

CHARLES, by the Grace of God King of Great Britain, France, and Ireland, Defender of the Faith, &c. To all who these presents shall see, Greeting. Forasmuch as we judge it quite just, reasonable, and good, that now at length the peace and agreement lately made between us and the most Christian King our dearest brother may re-acquire its former strength and effect, and thus all controversies and difficulties which have hitherto been interposed between our respective kingdoms and subjects may be removed and put an end to on both sides by a mutually restored and perfect reconciliation, for which purpose we, among other conditions to be performed on our part, have agreed to give up the fortress or fort and place of Port Royal, in Nova Scotia, which shall be taken and occupied as relinquished, in virtue of a patent or commission, under the Seal of the kingdom of Scotland, during the continuance of the late war, and that without prejudice nevertheless to our right or title, or that of our subjects for ever: We, preferring the faith of promises and of our royal word to all contrary reasons and objections whatsoever, inferred or to be inferred, in respect to this matter, do, by these letters, signify and promise, on the word of a king, that we shall give orders, take care, and carry into effect, that his subjects may reside with ours in the said fortress or fort and place of Port Royal, or its garrison or colonists, and inhabitants may remain and inhabit them at the same time; and that, until letters of approbation enjoining to that effect, direct from the deputies or commissaries who shall have the same set forth from our aforesaid dearest brother the most Christian King, are exhibited and read to them, and the power of returning given, the said fort or fortress and place in Port Royal be evacuated, deserted, and relinquished; and, lastly, the arms, ordnance, provisions, cattle, goods, and articles of use be carried away therefrom. In witness whereof, we are willing to sign and confirm these our letters with our hand, and under the Great Seal of our Kingdom of Scotland, which were given at our palace of *Greenwich*, the 28th day of July, in the year of our Lord 1631, and of our reign the seventh.

No. VII.

To the King's Most Excellent Majesty, the Humble Petition of Alexander, Earl of Stirling, &c. See p. 4.

SHEWETH,—That his late Majesty, King Charles the First, by his royal letters patent, bearing date sometime in or about the month of February, 1632, granted unto the Lord Viscount of Stirling, the great-great-great-grandfather of your petitioner, the sum of ten thousand pounds, in satisfaction of the losses that the said Viscount had sustained by giving order for the removing of his colony, then at Port-Royal in New Scotland, at the King's express command, 'for performing 'of an article of the treatie betwixt the French and us,' that is, the said King Charles the First.

That the said grant expressly stated, 'it is in no wise for quitting the title, 'rights, or possession of New Scotland, or of any part thereof, but only for the 'satisfaction of the losses' aforesaid.

That the said sum of ten thousand pounds has never been paid, but is still due and owing, with the interest thereon, to your petitioner, who claims the same as the heir and representative of the grantee, in and by virtue of the following retours in the courts of Scotland, as therein duly recorded,—that is to say, he was first retoured on the 7th February, 1826, by a jury, on their solemn oaths, the nearest lawful heir male of the body of Hannah his mother, the last surviving heir female of Benjamin, her brother-german, last heir male of the body of the first Earl of Stirling, his great-great-grandfather.

That on the 11th day of October, 1830, he, said petitioner, was in like manner retoured nearest and lawful heir in general of the said first Earl of Stirling.

That on the 30th day of May, 1831, he, the petitioner, was in like manner retoured nearest and lawful heir of tailzie and provision to the said first Earl of Stirling; and

That on the 2d day of July, 1831, he, the petitioner, was served and retoured nearest and lawful heir in special to the said first Earl of Stirling.

That the evidence of the grant, and the payment aforesaid, is to be found in the archives and documents of the State, to which your petitioner craves leave to refer; and among others, to one recently found, of a petition to his late Majesty, King Charles the Second, by or on behalf of the grand-daughters of the said first Lord Viscount of Stirling, which petition, by order dated 4th December, 1660, was remitted by the King 'to the Right Honourable the Lord Chamberlane of 'his Majestie's House, to report what he conceaves fit to be done therein.'

That no further proceedings appear to have been taken therein, or any part of the money paid.

That your petitioner is advised to make known his just claim to your Majesty for payment of the debt still remaining due, inasmuch as the Crown had the

benefit of the first Earl's removal of his colony, which was to be compensated in manner aforesaid.

That the sum now due for principal and interest, amounts to one hundred and ten thousand pounds, computed without rests, and which sum your petitioner now claims as of right justly due and owing to him as such representative of the first grantee, as aforesaid.

In consideration of the premises, and of the great loss and injury that your petitioner's ancestors have hitherto sustained by non-payment, and which would now fall exclusively on your petitioner, he most humbly prays your Majesty to take his case and claim into your royal and just consideration, and direct payment to be forthwith made, to enable him to maintain his own dignity and honours, and supply the wants of a numerous family.

And your petitioner shall ever pray.

(Signed) STIRLING.

November 21, 1832.

Petition of Colonel Blount, &c.

To the King's Most Excellent Majestie, The Humble Petition of Col. John Blount, the Lady Mary and Jane Alexanders, daughters of ye late Earle of Sterline,

SHEWETH,—That Willm. late Earle of Sterline, principall Secretary of Scotland, having to his vast expence, and the wasting of his whole estate in Scotland, planted a colony in Nova Scotia, and a peace being concluded betweene his late Matie. of ever blessed memory, and the late French king, Nova Scotia was included in ye articles of peace to be rendered to ye French, by which ye said Earle's whole fortune there was lost, for reparacon whereof his late Matie. was graciously pleased to thinke himselfe bound in equity to relieve him, and grant his letters pattents for ye reimbursment and payment of £10,000, to him and his assignes, out of ye Excheqr. and all other the proffitts in Scotland whatsoever, that should first arise. But ye warrs ensuing there, and afterwards here, the said Earle and his son, father to yor petrs. Mary and Jane, dyed before payment of ye said £ 10,000, and yor petr. John marryed Dame Mary Countesse of Sterline, and disbursed for her necessitys, and preservacon of her estate and her children, £ 2500. In tender consideracon whereof, and for that ye said £ 10,000 is all the expectancie and subsistence of yor petrs. Mary and Jane, and to reimburse yor petr. John, who faithfully served his late Matie. and yor Matie. ever since ye first warre in Scotland, and comanded yor Maties. owne regiment of horse, That yor Matie. will be graciously pleased to grant your letters pattents for the satisfaction of the said £10,000, in proportion to yor petrs. out of yor Maties. receipts in Scotland, or other wayes, as yor Matie. shall thinke fitt. And yor petrs. shall ever pray, &c.

Whitehall, 4 December, 1660.

His Matie. being sensible of the petrs. condition and sufferings, is gratiously inclined to releiv them, and is pleased to refer their case to the Right Honoble. the Lord Chamberlane of his Matie. Hous, that he may consider of their pretentions in equity to Nova Scotia, and to report what he conceaves fit to be done therein, whereupon his Matie will declare his further pleasure.

(Signed) LAUDERDAILL.

(State Paper Office, Westminster.)

Letter from the Honourable James Stewart, Assistant Secretary of the Treasury.

MY LORD,—The Lords Commissioners of his Majesty's Treasury having had under their consideration your Lordship's memorial, praying to be paid the sum of £10,000, with interest, the said sum being a grant to the Earl of Stirling made in the year 1632, I have it in command to acquaint you, that this claim cannot be entertained.—I am, my Lord, your Lordship's most obedt. servant,

(Signed) J. STEWART.

Treasury Chambers, 13th Feb. 1833.

The EARL OF STIRLING.

Letter to the Lords Commissioners of the Treasury.

MY LORDS,—I am informed by Mr Stewart, in reply to my petition to the King, referred to your Lordships for consideration, that my claim to the sum of £10,000 and interest, due to me from the Crown, cannot be entertained. No reason being assigned for the decision, and the debt being clearly established, I own it appears to me, that I should be wanting to myself and family, in that respect due from a subject to his Sovereign, were I to remain satisfied with a decision which, if final, would, in effect, make the pure fountain of all honour the impure fountain, at the same time, of great injustice. A debt of the Crown can only be cancelled, I apprehend, by payment of the Crown. In this particular instance, the documents to shew its creation and non-payment are both within your Lordships' reach and reference, and it cannot, from the letter received, be said to have been discharged. Due, then, as on the day it was incurred, the delay, the enormous delay in its payment, has been an increasing loss to my family, from the first Earl to myself. This loss has consequently been the King's gain; not intended, perhaps, at an early period, but eventually become so. Can his Majesty be advised to retain the advantages which the destitution of his subject in this particular case has given to the Crown? The policy of the law, as between subject and subject, it is well known, has set a boundary to mutual debts and credits, beyond which neither party can claim of the other. The rule, however,

does not apply to the King, as your Lordships well know; nor would a similar policy be here needed, for the King's obligations of this nature are all publicly recorded, and the cancelling of them is also equally capable of the clearest proof. And, again, the King of 1632 is the King of 1833, as head of the empire, and the latter is equally bound to all contracts that were obligatory on the former. I repeat, then, my Lords, can the pure fountain of honour be the impure fountain of injustice also? And is the debt admitted, and the payment refused, because it is of long standing? By what statute? for the King's rights are not prejudiced by time, and it would be monstrous if his obligations were thereby cancelled. My Lords, I request that, if my just claims are really such that they cannot be entertained, the reasons for so singular a decision may be given to me. I have the honour to be, &c. (Signed) STIRLING.

15*th February*, 1833.

Letter from MR STEWART.

MY LORD,—I am commanded by the Lords Commissioners of his Majesty's Treasury to acquaint your Lordship, in answer to your letter of the 15th ult., that Government cannot entertain any claim of the nature preferred by you after a period of two hundred years.—I am, my Lord, your Lordship's obedient servant.

(Signed) J. STEWART.

Treasury Chambers, 26*th March*, 1833.

The EARL OF STIRLING.

Letter to the Lords Commissioners of the Treasury.

MY LORDS,—In the absence of any other reason being assigned for rejecting the prayer of my petition to the Crown for the debt due to me, than that it cannot be entertained, because it is two hundred years old, I conclude no other can be given. I am the more confirmed in this conclusion from having referred your Lordships to the legitimate sources for verifying the payment, had it ever been made. I stand, then, my Lords, on the clear ground of proving to your Lordships the value of my ancestor's sacrifices, in respect whereof the sum of ten thousand pounds was to have been, but never has been, paid. The Crown originally had the benefit arising from the sacrifices, and has had, from that time to the present, the benefit of them, and my family, and now myself, the unrepaired loss and injury thence arising; but the Crown cannot now attend to the claim, because it is of so old a date, which, in effect, increases the injury to me, while it equally, and, in truth, in a great degree, increases the advantage to the Crown. My Lords, this is so subversive of all the principles of moral and legal obligation, and of reciprocal duties, that I cannot bring my mind to the admission of its being your Lordships' meaning, but that the rejection of my claim must be founded on some

indistinct notion that it may have been compensated, and that evidence of the compensation is lost. Neither can I bring my mind to the admission that your Lordships would blink a Crown debt, by pleading limitation of time, when the evidence is in your own hands to shew that this debt has never been paid; and, moreover, that other Crown debts have been paid after a period of three hundred years. If, however, I am to be told the plea of limitation is good, may I, in this case, venture to request a reference to the usage, or statute, or law, that warrants the decision? and I promise your Lordships not to press that farther which any such usage, statute, or law repels. My claim I believe to be founded strictly according to law, upon a valuable consideration given, and that it can only be cancelled by payment. Though I agree to drop my claim, then, and put up with the injury done, on being referred to valid authority for its rejection, as I have said, it will never be in my power, nor in that of any indifferent party, to think it right, that the most powerful monarch on earth should benefit by the destruction of any property of a subject, for State purposes, and undertaken to be paid for by the State, though clearly never done. From this feeling your Lordships cannot dissent, for it is the universal feeling of all mankind on the simple and proved fact on which I address your Lordships:—'I have got your property; I have 'promised you payment for it; I have never paid the money, and never will, 'because the debt is of long standing.' This answer is such, my Lords, as to be equally abhorrent to the oldest as to the newest code of moral obligation. I trust your Lordships will honour me with a letter, and not drive me to an appeal to a more extended and efficient tribunal.—I have the honour to be, &c.

(Signed) STIRLING.

9th April, 1833.

Letter to the Lords Commissioners of the Treasury.

MY LORDS,—My letter to your Lordships of the 9th of April being yet unanswered, I venture again to invite attention to it. That my claim to the debt unquestionably due to my ancestor from the Crown as before stated, and never paid, should be refused on the simple allegation that it was of long standing, does certainly afford no satisfaction to the injured party. If any doubt of the facts relative to it existed, and required to be removed ere your Lordships could admit and pay the amount, I should be prepared to remove that doubt. In truth, I have referred to the channels through which that may be done most satisfactorily. The facts are in evidence under your Lordships' own power and control, and these not only shew the origin of my claim, and the consideration for the grant of £10,000 of equivalent value at the time, but by going through them to the present time, they shew also that the debt still exists. If payment of principal and interest be refused, by reason of its excessive accumulation, and that no claim has for many years been made by any branch of my family for its liquida-

tion, I am fully prepared to meet that objection, and to meet it in the true spirit of conciliation. I am prepared to give up to the public a part, as a penalty for past laches, but surely it were the extreme of injustice to require a sacrifice of the whole. Is there, then, no course, no medium, nor any reply deemed requisite, but such as I last received? If there be no reason assigned, no rule or usage referred to and shewn for justification of so chilling and unsatisfactory an answer, I must, as a last resort, endeavour to bring my claim before a more liberal and considerate tribunal. — I have the honour to be, &c.

(Signed) STIRLING.

47, *Bryanston Square, 2d July*, 1833.

Letter from Mr Stewart.

MY LORD, — I am commanded by the Lords Commissioners of his Majesty's Treasury to acquaint your Lordship, that they can only reply to your letters of the 9th April and 2d instant, by referring you to the answers already given to your Lordship's applications. — I am, my Lord, your Lordship's most obedt. servt.

(Signed) J. STEWART.

Treasury Chambers, 23d July, 1833.

The EARL OF STIRLING.

No. VIII.

Treaty of St Germain, 29th March, 1632. See p. 5.

Traité, &c. Art. 3. De la part de sa Majesté de la Grande Bretagne ledit Sieur Ambassadeur en vertu du pouvoir qu'il a, lequel sera inseré à la fin de ces presentes, a promis et promet pour et au nom de sadite Majesté de rendre et restituer tous les lieux occupées en la Nouvelle France, la Cadie, et Canada, par les sujets de sa Majesté de la Grand Bretagne, iceux faire retirer desdits lieux: Et pour cet effet, ledit Sieur Ambassadeur delivrera, lors de la passation et signature des presentes, aux Commissaires du Roi très Chretien, en bonne forme, le pouvoir qu'il a de sa Majesté de la Grande Bretagne pour la restitution desdits lieux, ensemble les commandemens de sadite Majesté à tous ceux qui commandent dans le Port Roial, Fort de Guebec, et Cap Breton, pour être lesdites places et Fort rendus et remis es mains de ceux qu'il plaira à sa Majesté très Chretienne ordonner, &c.

No. IX.

Letter from King Charles I. to the Lord Advocate. See p. 5.

Trustie, &c. Whereas, upon the late treatie betwixt Us and the French King, we were pleased to condescend, that the colonie which was latelie planted at Port Royal, in New Scotland, should be for the present removed from thence, and have accordinglie given order to our right trustie the Viscount of Stirling, our principal Secretarie for Scotland; although, by all our several orders and erections concerning that business, we have ever expressed that we have no intention to quit our right and title to any of these bounds, yet, in regard our meaning perchance will not be sufficientlie understood by those our loving subjects who hereafter shall intend the advancement of that work,—for their satisfaction therein, we do hereby require you to draw up a sufficient warrant for our hand, to pass under our Great Seal, to our said right trustie the Viscount of Stirling, to go on in the said work whensoever he shall think fitting, whereby for the encouragement of such as shall interest themselves with him in it, he may have full assurance from us, *in verbo principis,* that as we have never meant to relinquish our title to any part of that country which he hath by patents from us, so we shall ever hereafter be readie, by our gracious favour, to protect him, and all such as have, or shall hereafter at any time concur with him for the advancement of the plantation in these bounds foresaid. And if at any time, by order from us, they shall be forced to remove from the said bounds, or any part thereof where they shall happen to be planted, we shall fully satisfie them for all loss they shall sustain by any such letters or orders from us. And for your so doing, &c.

Greenwich, 14*th Junii*, 1632.

(*Earl of Stirling's Register.*)

No. X.

Letter from his Majesty to the Baronets. See p. 5.

Trustie, &c. Whereas our late dear father, out of his pious zeal for advancement of religion in the remote parts of his dominions, where it had not been formerlie known, and out of his royal care for the honour and weal of that our ancient kingdom, was pleased to annex to the Crown thereof the dominion of New Scotland, in America, that the use might arise to the benefit of that kingdom, We, being desirous that the wished effects might follow by the continuance of so noble a design, were pleased to confer particular marks of our favour upon

such as should voluntarilie contribute to the furtherance of a plantation to be established in these bounds, as appeared by our erecting of that order of Baronets wherewith you are dignified; whereunto we have ever since been willing to add what further we conceived to be necessarie for the testifying our respect to those that are alreadie interested, and for encouraging of them who shall hereafter interest themselves in the advancement of a work which we so reallie consider for the glorie of God, the honour of that nation, and the benefit that is likelie to flow from the right prosecution of it. But in regard that, notwithstanding the care and diligence of our right trustie the Viscount of Stirling, whom we have from the beginning entrusted with the prosecution of this work, and of the great charges alreadie bestowed upon it, it hath not taken the root which was expected, partlie, as we conceive, by reason of the incommodities ordinarilie incident to all new and remote beginnings, and partlie, as we are informed, by want of the timelie concurrence of a sufficient number to assist in it, but especiallie the colonie being forced of late to remove for a time, by means of a treatie we have had with the French: Therefore have taken into our royal consideration, by what means again may this work be established: And conceiving that there are none of our subjects whom it concerns so much in credit to be affectioned to the progress of it as those of your number, for justifying the grounds of our princelie favour which you have received by a most honourable and generous way, we have thought fit to direct the bearer hereof, Sir William Alexander, Knight, unto you, who hath been an actor in the former proceedings, and hath seen the country, and known the commodities thereof, who will communicate unto you such propositions as may best serve for making the right use hereafter of a plantation and trade in these bounds, for encouraging such as shall adventure therein; and, we doubt not, but if you find the grounds reasonable and fair, you will give your concurrence for the further prosecution of them: And as we have alreadie given order to our Advocate for drawing such warrants to pass under our seals there, whereby our loving subjects may be freed from all misconstruction of our proceedings with the French anent New Scotland, and secured of our protection in time coming in their undertakings into it, so we shall be readie to contribute what we shall hereafter find we may justlie do for the advancement of the work, and the encouragement of all that shall join with them to that purpose. Which recommending unto your care, we bid you farewell. BEAULIE, 15th August, 1632.

(*Earl of Stirling's Register.*)

No. XI.

Ratification in favour of the Viscount of Stirling of the infeftments and signature granted to him of the dominions of New Scotland and Canada in America, and privileges therein contained, and of the dignity and order of Knight Baronets; and Act of Convention of Estates made thereanent. See p. 5.

Our Soveraigne Lord and Estates of this present Parliament, ratifie and approve all letters patents and infeftments granted by King James the Sixth, of blessed memory, or by our said Soveraigne Lord, to *William Viscount of Sterling*, and to his heires and assigneis, of the territories and dominions of *New Scotland*, and *Canada* in *America*; and especially the patent charter and infeftment granted by his Majestie's umwhile dearest father, of worthie memorie, of *New Scotland*, of the tenth day of *September*, the year of God 1621: Item, another charter of the same, granted by his Majestie under the great seale, of the date the twelfth day of *July*, 1625 yeares: Item, another charter and infeftment granted by his Majestie of the countrey and dominion of *New Scotland*, under the great seale, of the date the third day of *May*, 1627 yeares: Item, another charter and infeftment granted by his Majestie, under the great seale, of the river and gulf of *Canada*, bounds and priviledges thereof mentioned in the said patent, of the date the second day of *Februarie*, 1628 years: Item, a signature past under his Majestie's hand of the said countrie and dominion, which is to be with all diligence expede through the seals, of the date at *Whitehall*, the twentie-fourth day of *April*, 1633 yeares: With all liberties, priviledges, honours, jurisdictions, and dignities *respective* therein mentioned; together with all execution, precepts, instruments of seasings, and seasings following, or that shall happen to follow thereupon. And also ratifies and approves the act of general convention of estates at *Holy-rude-house*, the sixth day of *July*, the year of God 1630, whereby the saids estates have ratified and approved the dignities and order of Knight Baronet, with all the acts of Secret Council and proclamations following thereupon, made for the maintaining of the said dignitie, place, and precedencie thereof.

And his Majestie and Estates aforesaid will statute and ordaine that the said letters patents, charters, and infeftments, and the said dignitie, title, and order of Barronets, and all letters patents and infeftments of lands, and dignities granted therewith to any person whatsoever, shall stand and continue in full force, with all liberties, priviledges, and precedencies thereof, according to the tenour of the same: And in als ample manner, as if the bodies of the said letters patents, infeftments, and signature above-mentioned, were herein particularly ingrost and

exprest. And ordaine intimation to be made hereof by open proclamation to all his Majesties's lieges at the market crosse of *Edinburgh*, and other places needful, that none pretend ignorance hereof.

(*Acts of Parliament.*)

P. Acte No. 28. made in the Parliament held by King Charles the First (in person) *at Edinburgh, the twentie eight day of June,* Anno Domini *one thousand six hundred and thirty three.*

No. XII.

Act of Council. See p. 5.

Apud Edinburgh, 15th February, 1634.

Sederunt, Chancellor, Treasurer, Privie Seal, Marishall, Roxburgh, Annandaill, Lauderdaill, Southesk, L. Areskine, Clerk Register, Advocat.

FORSAMEIKLE as his Majestie's late dear father of blessed memorie, for the honour of this his ancient kingdom of Scotland, did grant the first patent of New Scotland to his Majestie's right traist cousin and counsellor, William Erle of Sterline, and was willing to confer the title of Knight Baronet upon such of his well-deserving subjects as should contribute to the advancement of the work of the plantation in the said countrie, his Majestie was pleased to give order for effectuating of the same according to his Commission directed to the Lords of Privie Council for that purpose: And his Majestie understanding perfectlie that the said Erle did begin and prosecute a plantation in these parts with a far greater charge than could be supplied by the means foresaid, and the rather in regard of the late discouragement of some, by his Majestie's commanding the said Erle to remove his colonie from Port Royal, for fulfilling of ane article of the treatie betwixt his Majestie and his brother the French King, to make everie thing betwixt them to be in the estate wherein it was before the war, hearing that there was a rumour given out by some that his Majestie had totallie lost his purpose to plant in that countrie, as having surrendered his right thereof: And therefore, lest anie farther mistaking should arise thereupon, his Majestie has thought good hereby to clear his intention therein, which is, that the said Erle, with all such as shall adventure with him, shall prosecute the said work, and be encouraged by all lawful helps thereunto, as well by completing the intended number of Baronets, as otherways: And whereas some of the subjects of the kingdom of England and Ireland, of good qualitie, who, having taken land in New Scotland holden of his Majestie, did accept of the said dignitie there, and were obliged to contribute as much toward the said plantation as anie others in that kind, were put to greater charges at the passing of their rights than the natives of this kingdom were at in the like cases: Therefore his Majestie has thought meet hereby to declare his royall will and

pleasure, that whensoever anie of his Majestie's subjects of qualitie fit for that dignitie, within the kingdom of England or Ireland, having taken land holden of his Majestie in New Scotland, and having agreed with the said Erle for part of a supplie towards the said plantation, and that it is signified so by him to the said Lords of Privie Council, that, till the number of Baronets formerlie condescended upon be complete, the said Lords shall accept of them, and give order that their patents be passed at as easie a rate as if they were natural born subjects of this kingdom: And the said Lords ordainis letters to be direct, charging officers of arms to pass and make publication hereof, by open proclamation at the market crosses of the head boroughs of this kingdom, and other places needful, wherethrough none pretend ignorance of the same.

(*Registrum Secreti Concilij.*)

No. XIII.

ROLL OF BARONETS OF NOVA SCOTIA,

who had territorial grants, on the surrender of Sir William Alexander, Earl of Stirling, the Patentee of that province. See p. 6.

1625.		
May 28,	Sir Robert Gordon, of Gordon,	Nova Scotia.
	Sir Alexander Strachan, of Strachan,	New Brunswick.
	Sir William Keith, Earl Marischal,	New Brunswick.
May 29,	Sir Duncan Campbell, of Glenurchay Campbell,	Anticosti.
	Sir Robert Innes, of New Innes,	Anticosti.
	Sir John Wemyss, of New Wemyss,	Anticosti.
May 30,	Sir David Livingston, of Dunipace Livingston,	New Brunswick.
	Sir William Douglas, of Douglas,	New Brunswick.
July 14,	Sir Donald Macdonald, of Macdonald,	New Brunswick.
July 19,	Sir Richard Murray, of Cockpool,	New Brunswick.
August 30,	Sir John Colquhoun, of Colquhoun,	Nova Scotia.
August 31,	Sir Alexander Gordon, of New Cluny,	New Brunswick.
September 1,	Sir John Lesly, of Lesly,	New Brunswick.
September 2,	Sir James Gordon, of New Lismore,	New Brunswick.
September 3,	Sir Gilbert Ramsay, of Ramsay,	New Brunswick.
November 17,	Sir George Forrester, of Corstorphine,	Nova Scotia.
December 28,	Sir Erskine,	Anticosti.
	Sir William Graham, of Braco,	Anticosti.
	Sir Patrick Hume, of Polwarth.	
1626.		
March 30,	Sir William Forbes, of Forbes,	New Brunswick.
March 31,	Sir George Johnston, of Johnston.	New Brunswick.
April 21,	Sir Thomas Burnett, of Leys Burnett,	New Brunswick.
April 22,	Sir John Moncreiff, of Moncreiff,	New Brunswick.
April 24,	Sir George Ogilvie, of New Carnousie,	New Brunswick.
May 1,	Sir Robert Gordon, of Lochinvar.	

June 1,	Sir William Murray, of Murray,	New Brunswick.
July 18,	Sir John Blackadder, of Blackadder,	Anticosti.
September 29,	Sir John Ogilvy, of Ogilvy Innerquharity,	New Brunswick.
1627.		
March 18,	Sir Donald Mackay, of Reay,	Anticosti.
March 28,	Sir James Maxwell, of Mauldslie,	New Brunswick.
	Sir James Stuart, of Bute.	
April 18,	Sir James Stewart, of Corsewall,	New Brunswick.
May 2,	Sir Archibald Napier, of Napier,	New Brunswick.
June 25,	Sir John Livingston, of Kinnaird,	Anticosti.
July 4,	Sir William Cunningham, of Cunningham,	Anticosti.
July 17,	Sir James Carmichael, of Carmichael,	Nova Scotia.
July 19,	Sir James M'Gill, of M'Gill,	Anticosti.
July 20,	Sir James Ogilvy, of Banff Ogilvy,	New Brunswick.
October 18,	Sir Samuel Johnston, of New Elphinstone,	New Brunswick.
November 21,	Sir William Cockburn, of Cockburn,	New Brunswick.
December 13,	Sir Colin Campbell, of Lundie Campbell,	Anticosti.
	Sir James Campbell, of Aberuchill,	Anticosti.
1628.		
January 1,	Sir Archibald Acheson, of Monteagle,	Anticosti.
January 10,	Sir Sandilands,	Anticosti.
	Sir Robert Montgomerie, of New Skelmorly,	Anticosti.
January 12,	Sir James Haliburton, of Pitcur,	Anticosti.
	Sir Dougald Campbell, of New Auchinbreck,	Anticosti.
January 14,	Sir Donald Campbell, of New Ardnamurchan,	Anticosti.
February 19,	Sir Thomas Hope, of Craighall,	Anticosti.
February 22,	Sir James Skene of Curriehill,	New Brunswick.
	Sir John Preston, of Preston Airdrie,	New Brunswick.
	Sir Alexander Gibson, of Durie,	Anticosti.
May 14,	Sir John Crawford, of Kilbirny,	Anticosti.
	Sir John Riddell, of New Riddell,	Anticosti.
May 15,	Sir Archibald Murray, of Blackbarony,	Anticosti.
May 16,	Sir Patrick Murray, of Elibank Murray,	Anticosti.
May 21,	Sir Cadell,	Anticosti.
	Sir John Mackenzie, of Tarbat,	Anticosti.
June 20,	Sir William Elphinstone, of New Glasgow,	New Brunswick.
September 29,	Sir Robert Barr,	Nova Scotia.
	Sir Arthur Forbes, of Castle Forbes, (Longford,)	Nova Scotia.
	Sir Francis Hamilton, of Killach, (Down,)	Nova Scotia.
October 2,	Sir Andrew Stewart, Lord Castlestewart, (Tyrone,)	Nova Scotia.
	Sir Edward Barret, Lord Newburgh,	New Brunswick.
1629.		
June 26,	Sir William Bruce, of Stenhouse,	New Brunswick.
	Sir John Nicolson, of Lasswade,	Anticosti.
	Sir Michael Arnot, of Arnot,	Anticosti.
June 28,	Sir James Oliphant, of Oliphant,	Anticosti.
	Sir Patrick Agnew, of Agnew,	Nova Scotia.
	Sir William Keith, of Ludquhairn,	Nova Scotia.
November 30,	Sir Claude St Estienne, Seigneur de la Tour,	Nova Scotia.

1630.		
March 31,	Sir Robert Hannay, of Mochrum,	New Brunswick.
April 20,	Sir William Forbes, of New Craigievar,	New Brunswick.
April 24,	Sir James Stewart, Lord Ochiltree,	New Brunswick.
	Sir Peirs Crosbie,	New Brunswick.
	Sir Walter Crosbie, of Crosbie Park, (Wicklow,)	New Brunswick.
May 12,	Sir Charles St Estienne, Seigneur de St Deniscourt,	Nova Scotia.
July 24,	Sir James Sibbald, of Rankeillor Sibbald,	Anticosti.
October 2,	Sir William Murray, of New Dunearn,	New Brunswick.
November 13,	Sir Robert Richardson, of Pencaitland,	New Brunswick.
November 25,	Sir John Maxwell, of Pollock,	Nova Scotia.
	Sir David Cuningham of New Robertland,	Nova Scotia.
1631.		
March 5,	Sir Henry Wardlaw, of Wardlaw,	Nova Scotia.
June 2,	Sir James Sinclair, of Cannisby,	Anticosti.
June 18,	Sir John Gordon, of New Embo,	Anticosti.
September 3,	Sir Lachlan Maclean, of Morvaren,	Anticosti.
1633.		
December 22,	Sir James Balfour, of Denmiln,	Cape Breton.
December 23,	Sir David Cuningham, of Auchinharvie,	Cape Breton.
1634.		
June 7,	Sir Philibert Vernate, of Carleton, (Yorkshire,)	Cape Breton.
	Sir Henry Bingham, of Castlebar, (Mayo,)	Cape Breton.
	Sir Hector Monro, of Foulis,	Cape Breton.
	Sir Alexander Foulis, of Colinton,	Cape Breton.
1635.		
January 6,	Sir James Hamilton, of Hamilton,	Cape Breton.
June 8,	Sir John Gascoigne, of Barnebow, (Yorkshire,)	Cape Breton.
June 18,	Sir Walter Norton, of Chestone, (Suffolk,)	Cape Breton.
June 29,	Sir Arthur Pilkington, of Stainlie, (Yorkshire,)	Cape Breton.
September 26,	Sir Edward Widdrington, of Cairtington, (Northumberland,)	Cape Breton.
December 10,	Sir James Hay, of Smithfield,	Cape Breton.
December 19,	Dame Mary Bolles, of Cudworth, (Notts,)	Cape Breton.
	Sir John Raney, of Rutam, (Kent,)	Cape Breton.
1636.		
February 17,	Sir John Fortescue, of Salden, (Bucks,)	Cape Breton.
February 20,	Sir Thomas Thomson, of Dudingston	Cape Breton.
June 17,	Sir John Browne, of Neale, (Mayo,)	Anticosti.
June 18,	Sir Edward More, of Longford, (Notts,)	Cape Breton.
	Sir Alexander Abercromby, of Birkenbog,	Cape Breton.
	Sir John Sinclair, of Stevenson,	Cape Breton.
	Sir John Curzon, of Kedlestone, (Derbyshire,)	Cape Breton.
November 21,	Sir Gideon Baillie, of Lochend,	Cape Breton,
1637.		
January 16,	Sir Thomas Nicolson, of Carnock,	Cape Breton,
March 13,	Sir George Preston, of Valleyfield,	Cape Breton.
July 31,	Sir Andrew Ker, of Greenhead,	Cape Breton.

No. XIV.

Assignation and Disposition by William, Earl of Stirling, to Alexander Kynneir and James Gordoun. See p. 6.

Be it kend till all men be thir present letteris, ws, William, Erle of Stirling, Viscount of Cannade, Lord Alexander of Tullibody and Menstrie, Secretar to his Matie for the kingdome of Scotland. Forsameikle as we haive patentis grantit to ws be his Matie of Nova Scotia in America, and for disponing and resigning of certane proportions of land yairof, and procuring to sindrie persons the infeftmentis of the samen fra his Matie with the honour and dignitie of Knychtis Barronettis, haive been in vse to gett fra every ane of the receavers yairof, the sowme of money of this realme, or yairby: And siclyk, forsameikle as we haive obtenit fra his Matie be his Hienes letteris of gift to ws, our airis and assignayes, the gift of the mariage of Francis, now Erle of Buckcleuch, sone and air to umqle Walter, Erle of Buckcleuch, his father, as vacand in his Maties handis in maner mentionat in the gift grantit to ws yairupon, with the haill proffeittis and commodities of the said mariage: And alse, forsameikle as we haive power and commission grantit to ws be his Matie, to admitt, receive, nominat, and creat all shireff clerkis, stewart clerkis, and ballie clerkis within the kingdome of Scotland, as the samen sall happin to fall and vaik in his Maties handis, in maner mentionat hiten letteris of gift grantit to ws be his Matie yairupon:* And in lyk maner, forsameikle as yair is ane contract and appoyntment maid betwixt on the ane pairt, and ws, the said William, Erle of Stirling, on the vther pairt, off the dait be the quhilk contract, we, for the causes yairin specifeit, haive bund and obleist us to infeft and sease the saidis for yameselffis, and to the behove of the remanent persons above namit, for yair relieff of yair cautionries, contenit in the inventar mentionat in the said contract, and payment of yair debtis yairin specifeit, in all and sindrie the landis and baronyes of Tullibody, Menstrie, and Tillicultrie, and vtheris particularlie and generallie mentionat and set doun in the said contract; and alse, be the said contract, we haive assignet, transferrit, and disponet to and in favouris of the saidis for yameselffis, and to the behove of the remanent persons contracteris aboue namit, the gift grantit to ws, of the feu fermes, maills, and dewties of the saidis lands and barony of Tillicultrie, and of the landis of Westertoun of Tillicultrie, togidder with the fees and casualities of his Majesty's Signet belonging to ws, as

* Litera Domini Willielmi Alexander de Menstrie Militis, de Constitutione Clericorum infra Vicecomitatus, &c. *April* 16, 1628.

(No. 479. *Paper Register, Public Records of Scotland, Edinburgh.*)

his Maties Secretar of the said kingdome of Scotland, and that in forme and maner, and vnder the provisiones, restrictiones, and conditions mentionat in the said contract; be the quhilk contract, it is speciallie provydit and declarit, that the landis, baronyes, and vtheris yairin specifeit, salbe redimable be ws fra the saidis be releiving of thame and remanent cautionaris yairin nominat of yair haill cautionries, contenit in the inventar yairin specifeit, and be payment making to our creditouris nominat in the said inventaris of yair debtis yairin exprest auchtand be ws to thame, with the haill annualrentis yairof that sall happen to be dew for the same; quhilk being done, it is provydit be the said contract, that the saidis salbe haldin to renunce, resigne, and overgive the samen contract and appoyntment, infeftmentis appoyntit to follow thairvpoun, in favouris of ws, our airis and assignayes, as the said contract contening the said provisioun of reversioun and condition foirsaid at mair lenth beiris. And seeing that we (by and attour the burdingis and debtis contenit in the said inventar) stand trewlie adebtit and restand awand to Mr Alexander Kynneir of Forret, and Mr James Gordoun, Keipar of his Majestie's Signet, divers great sowmes of money, alswell anent the copper coyne conforme to the contract past betwixt ws, vmqle William, Lord Alexander, our sone and thame, as vtheris great sowmes of money adebtit be ws to yameselffis; and for quhilk they, at our earnest requeist and desyre, ar becum bund and obleist as cautionaris and souerties for ws, for payment to our creditouris nominat in the inventaris underwrittin off the said sowmes of money yairin specifiet; and haive alse advancit and payit to ws sindrie sowmes of money mentionat in the saidis inventaris eftirmentionat, conforme to the bandis and securities yairin specifeit, quhilkis haill cautionries and debtis ar all particularlie mentionat and set doun in ane inventar yairof, subscryvit be ws of the dait of yir presentis, and quhilk inventar hes relatioun to this present assignatioun and dispositioun; and we being most willing and cairfull as equitie and ressone wald that the foirnamit personis, our cautionaris for the debtis contenit in the said inventar, be thankfullie releivit of yair cautionries, and the debtis yairin specifeit, payit to our creditouris yairin nominat. Thairfor, witt ye ws to haive maid, constitut and ordanit, lykas we be the tennor heirof, mak, constitut, and ordane the said Mr Alexander Kynneir and Mr James Gordoun equallie betwixt yame, and proportionallie amongst yame, their airis and assignayes, our very lawfull, vndouttit, and irrevocable procuratouris, cessioners, and assignayes, donatouris, and procuratouris, *in rem suam cum dispositione libera*, in and to the haill compositions and sowmes of money to be procured and receaved for the propositions of land in Nova Scotia, and dignitie of Knyt Baronet fra quhatsvmeuer persone, or persons ather in Scotland or Ingland; and for admitting and receaving off quhatsvmeuer persone or persons, to quhatsvmeuer shireff clerkschip, stewart clerkschip, or ballie clerkschip, within the said kingdome of Scotland; and siclyk in and to the foirsaid gift grantit to ws of the mariage of the said Francis, Erle of Buckcleuch; and in and to the haill benefeit, proffeit, and commoditie that may be receaved be vertew yairof; and alse in and to the

provisioun and conditioun of reversioun, specifeit and contenit in the said contract above mentionat, quhairby the saidis landis and baronyes of Tullibody, Menstrie, Tillicultrie, and vtheris yairin exprest are appoynted to be redimable be ws in maner yairin contenit; and in and to the haill clauses and conditions of the said contract conceaved in our favouris, (excepting alwayes and reservand as is exceptit and reserved in the samen contract;) and in and to all rycht and benefeit competent, or that may be competent, to ws yairby, lykas we haive surrogatt, and be yir presentis surrogattis, the foirnamit persons and yair foirsaidis, in our full rycht, title, and place of the samen for ever, with power to thame to ask, crave, receave, intromet with, and vptak the haill compositions and sowmes of money to be receaved for procuring of the said dignitie of Knyt Baronet fra quhatsvmeuer persone or persons, ather in Scotland or Ingland; and for admitting and receaving of quhatsvmeuer persone or persons, to quhatsvmeuer shireff clerkschip, stewart clerkschip, or ballie clerkschip, within the said kingdome of Scotland, togidder with the haill proffeittis and commodities of the said Erle of Buckcleuch, his mariage foirsaid, and to sute the benefeit of the reversione and vtheris conditions contenit in the said contract conceaved in our favouris, (excepting alwayes as is yairin exprest and exceptit,) compone, transact, and aggrie yairanent, and if neid beis to call and persew yairfoir as accordis of the law, and to do all vtheris thingis requisit in the premissis quhilkis we micht haive done ourselffis befoir the making heirof. Lykas, we bind and obleis ws, our airis and successouris, to resign certane portions of the saidis landis in Nova Scotia, and to procure from his matie signatouris and infeftments yairof, with the said honour and dignitie of Knytis Baronettis, in the wonted maner to and in favouris of all such persons as the saidis Mr Alexander Kynneir and Mr James Gordoun
or maist pairt of them sall nominat and appoynt; and alse to admitt, receave, nominat, and appoynt, and present sic qualified persons as sal be nominat be thame or maist part of them, to all shireff clerkschips, stewart clerkschips, or ballie clerkschips, within the said kingdome of Scotland, as the samen sall happin to vaik, and to caus the saidis Mr Alexander Kynneir and Mr James Gordoun
and yair foirsaidis, to be thankfullie ansuered and payit of the sowmes of money and compositions to be receaved for the said dignitie of Knytis Baronettis, and shireff clerkschips, stewart clerkschips, and ballie clerkschips: And farder, we haive maid, constitut, and ordanit, and be the tennor heirof mak, constitut, and ordane the saidis Mr Alexander Kynneir, and Mr James Gordoun,
equallie and proportionallie amongst thame, thair airis and assignayes, our very lawfull vndouttit and irrevocable cessioneris, and assignayes in and to the debtis and sowmes of money *respective* underwrittin, adebtit to ws in maner and for the causes eftirmentionat, viz. In and to ane band, maid to us be umqle Sir Richard Murray, of Cokpool, designed yairin Mr Richard Murray, datit 1625, registrat 19th November, 1632, contening thrie thowsand merkis Scottis principall, and 200 lib. expences, with the ordinar annuelrent; to ane vther band, maid to ws be Sir David Home

of Wedderburne, datit 10 May, 1627, contening thrie thowsand merkis Scottis principall, 300 merkis expences, with the ordinar annuelrent; to ane vther band, maid to ws be Robert Bruce, fear of Clakmannan, datit 26 October, 1625, contening thrie thowsand merkis Scottis principall, iiic. lib. expences; to ane vther band, maid to ws be Alexander Erskene of Dun, datit 4 Apryll, 1631, contening thrie thowsand merkis Scottis principall, iiic. merkis expences, with the ordinar annuelrent; to ane vther band, maid to ws be Ronnald, Erle of Ancram, and Sir Robert Gordoun, Barronet, datit last Junij, 1625, contening thrie thowsand merkis Scottis principall, iijc. lib. expences, with the ordinar annuelrent; to ane vther band, maid to us be vmqle Robert, Lord Kirkcudbryt, yairin designed, Sir Robert M'Clellane, datit 20 May, 1626, contening thrie thowsand merkis principal, iijc. lib. expences; to ane vther band, maid to ws be vmqle William, Erle of Lothiane, datit 18 April, 1627, contening tua thowsand merkis principal, iic. merkis penaltie, with the ordinar annuelrent; to ane vther band, maid to ws be the said vmqle Erle of Lothiane, datit 18 Apryll, 1627, contening elleven hundreth merkis principall, ic. lib. expences, with the ordinar annuelrent; to ane vther band, maid to ws be Sir Hew Wallace of Cragie, datit 26 November, 1629, registrat 19 December, 1631, contening thrie thowsand merkis principall, iiic. merkis expences, with the ordinar annualrent; to ane vther band, maid to ws be the Erle of Lynlytgow, datit 9 November, 1632, quhairby he is obleist to pay to ws the thrid pairt of tua thowsand poundis sterling, for the caus yairin specifeit; and in and to the articles of aggriment past betwixt us, thair designit Sir William Alexander of Menstrie, Knyt. and the barrouns and gentlemen of Largis, datit 10 August, 1630, registrat in the Bookis of Sessioun, 10 July, 1634, and in and to the sowme of twelff thowsand pundis Scottis yairin contenit, quhilk Sir Thomas Boyd of Bonschaw, John Boill of Kelburne, John Birsbeane of Bischoptoun, and Robert Boyd of Courgill, for yameselffis, and in name of the rest of the gentlemen, noblemen, that hes the rycht to the commoditie of Largis, war, be the saidis articles, content to pay to ws at Mertimes eftir the dait foirsaid of the saidis articles, in and to the inhibitioun raisit and execut vpon the saidis articles against the saidis Sir Thomas and Robert Boydis, with the executiones and indorsationes yairof, and in and to all vtheris letteris and executoriallis raissit and execut yairvpoun, with all that hes followit, or may follow vpon the saidis articles; and in and to the sowme of sevin thowsand nyne hundreth fourtie sax pundis threttene s. 4d. Scottis of bygaine restis of ane zeirlie pensioun of iic lib. sterling, dew to ws furth of the Exchequir, quhilk was preceiding the terme of Mertimes, 1638; and in and to the said zeirlie pensioun of 200 lib. sterling, restand awand of the said terme of Mertimes, 1638, Witsvnday and Mertimes 1639, and of the said terme of Witsvnday nixtocum, 1640, extending the saidis haill termes in Scottis money to the sowme of

and in and to the sowme of ellevin thowsand, iiijc iiijxx xj lib. i s. 6d. of bygaine maillis and dewties of our (l. 11,491, 1, 6,

leving and estait restand awand be our tennentis of the croptis and zeirs of God

1635, 1636, and 1637, conforme to ane particular roll or note beirand every persone and debtouris name, with the quantitie of his rest; and in and to the haill furnishing and plenishing, to witt, hingings, beddis, with thair courteins, and haill furnitouris belonging yairto, tabillis, buirdis less or mair, chyris, stoollis, naprie, broddis, chynneyes, with thair pertinentis, and haill remanent furnitour presentlie standing and within that our great ludgeing within the burgh of Stirling, presentlie mentionat in ane inventar book lyand within the said ludgeing; and in and to ane vther band maid to ws be the said Sir Hew Wallace of Cragie, contening the sowme of thrie thowsand merkis principall, and thrie hundreth pundis of expences, dated the 20 of May, 1636 zeirs; and in and to all and sindrie vtheris debtis, sowmes of money, annuelrentis, and debtis, and vtheris quhatsvmeuer adebtit and restand awand to ws be quhatsvmeuer maner of way; and in and to the contractis, bandis, gifts, pensiouns, and vthers writtis, rychts, and securities maid to ws yairanent; and transferris and dispons our haill rycht yairof to, and in favouris of, the saidis Mr Alexander Kynneir and Mr James Gordoun, and yair foirsaidis, surrogatting yame in our full rycht and place of the samen, with power to thame to ask, crave, receave, intromit with, and vptak the debtis, sowmes of money, annuelrentis, and others, particularlie and generallie aboue specifeit, acquittances and discharges vpon the ressait yairof to mak subscryve and delyver, quhilk salbe sufficient, compone, transact, and aggrie yairanent, and, if neid beis, to call and persew thairfoir, as accordis of the law, and to do all vther thingis necessar and requisit concerning the premissis, quhilk we micht haive done ourself befoir the making heirof; quhilk assignatioun and dispositioun abovewritten, we bind and obleis us, our airis, executouris, and successouris, to warrant to the foirnamit persons, and yair foirsaidis, to be gud and sufficient in itselff at all handis, as law will; provyding alwayes, lykas it is heirby speciallie provydit, that how soon it sall happin the saidis Mr Alexander Kynneir, and Mr James Gordoun, to be fullie releivit of yair haill cautionries, contenit in the said inventaris, and of all cost, skaith, damnage, expences, and interest, quhilkis they, or any of thame, sall happen to incur thairthrow, and be thankfullie and compleitlie payit of thair debtis and sowmes of money specifeit in the saidis inventaris, and adebtit be ws to thame, with the haill annuelrentis thairof that sall happin to be dew for the samen, that then, and in that cais, and immediatlie yairefter, thir presentis salbe null, and of nane availl, force, strenth, nor effect, fra thynfurth for ever, and the foirnamit persons salbe haldin and obleist to repone ws in our awin rycht and place of the premissis eftir they be fullie releivit and payit in maner foirsaid: It is farder provyding, that the acceptatioun of thir presentis sall nawayes be prejudiciall to the accepters to vse all vther executioun competent to thame of the law for yair releif of yair saidis cautionries, contenit in the said inventaris, and for payment of yair debtis yairin specifeit as accordis: it is also heirby provydit, that the assignatioun foirsaid to the compositions and sowmes of money foirsaid, to be receaved for the proportions of land in Nova Scotia, and dignitie of Knyt Baronet, salbe no let nor impediment to ws to dispone and resigne the said patent, ather to his

Matie or any vther, the benefeit and sowmes of money to be gottin yairfoir being alwayes applyed to the payment of the debtis, for the releiff of these quha ar ingadged as cautionaris for ws in the former contract heir specifeit, and the superplus yairof, and of all vther benefeit that may aryse to thame, ather be the said assignatioun, or the first contract, (the cautionaris of the first contract being always first releived,) to be vplift by thame for yair releiff; and, finallie, we faithfullie bind and obleis ws and our foirsaidis to iterat, renew, and extend, and ampliefie this present assignatioun and dispositioun be the advyse of men of judgement, keipand the substance yairof abouewrittin, and to mak and grant all securitie necessar to the foirnamit persons, and to ilk ane of thame quhensoever they sall requyre ws for that effect; and, for the mair securitie, we are content, and consentis, thir presentis be insert and registrat in the Bookis of Counsall and Sessioun, to haive the strenth of ane decreit of the Lordis thairof, that letteris of horning on sax dayes, and vtheris necessar in form as effeiris, may pas heirvpoun, and constitutts

our procuratouris.

In witnes quhairof we haive subscryvit thir presentis with our hand, (writtin be Patrik Gordoun, servitour to Mr James Gordoun, Keipar of his Matie's Signet,) at *Convent Gairdine*, the twentie-nynt of January, im. vic. and fourtie zeiris, befoir thir witnesses, Mr Thomas Hammiltoun, of Robertoun; Mr Walter Neische, shireff-clerk of Haddingtoun; and John Esquyre, servitour to ws, the said Erle of Stirling.

(*Sic subscribitur,*) W. STERLINE.

Mr Thomas Hammiltoun, witnes to
Sterlin's subscriptioun.
Mr Walter Neische, witnes yairto.
Jo. Squyre, witnes therto.

(*February* 15, 1640.—*Public Records of Scotland, Edinburgh.*)

No. XV.

Treaty of Breda, July 21-31, 1667. See p. 6.

Traité, &c. Art. 10. Le ci-devant nommé Seigneur le Roi de la Grande Bretagne restituera aussi et rendra au ci-dessus nommé Seigneur le Roi Très Chretien, ou à ceux qui auront charge et mandement de sa part, scellé en bonne forme du grand-sceau de France, le pays appelé l'Acadie, situé dans l'Amerique Septentrionale, dont le Roi Très Chretien a autrefois joui; et pour executer cette restitution le sus-nommé Roi de la Grande Bretagne, incontinent apres la ratification de la présente alliance, fournira au sus-nommé Roi Très Chretien tous les actes et mandemens expediés duement et en bonne forme necessaires à cet effet, ou les fera fournir à ceux de ses ministres et officiers qui seront par lui delegués.

No. XVI.

Treaty of Ryswick, September 20, 1697. See p. 7.

Art. 7. Restituet Dominus Rex Christianissimus Domino Regi Magnæ Britanniæ omnes regiones insulas arces et colonias ubivis locorum sitas quas possidebant Angli ante hujus præsentis belli declarationem ; et vice versa Dominus Rex Magnæ Britanniæ restituet Domino Regi Christianissimo omnes regiones insulas arces et colonias ubivis locorum sitas quas possidebant Galli ante dictam ejusdem belli declarationem.

No. XVII.

Treaty of Utrecht, April 11, 1713. See p. 8.

Art. 12. Dominus Rex Christianissimus, eodem quo pacis præsentis ratihabitiones commutabuntur die, Dominæ Reginæ Magnæ Britanniæ literas tabulasve solemnes et authenticas tradendas curabit, quarum vigore insulam Sancti Christophori per subditos Britannicos sigillatim dehinc possidendam, Novam Scotiam quoque sive Acadiam totam, limitibus suis antiquis comprehensam, ut et Portus Regii urbem nunc Annapolim Regiam dictam, cœteraque omnia in istis regionibus quæ ab iisdem terris et insulis pendent, una cum earundem insularum terrarum et locorum dominio proprietate possessione et quocunque jure sive per pacta sive alio modo quœsito, quod Rex Christianissimus, Corona Galliæ, aut ejusdem subditi quicunque ad dictas insulas terras et loca eorumque incolas hactenus habuerunt, Reginæ Magnæ Britanniæ, ejusdemque Coronæ, in perpetuum cedi constabat et transferri, prout eadem omnia nunc cedit ac transfert Rex Christianissimus.

No. XVIII.

Treaty of Paris, February 10, 1763. See p. 8.

Art. 4. His most Christian Majesty renounces all pretensions which he has heretofore formed, or might form, to Nova Scotia, or Acadia, in all its parts, and guarantees the whole of it, and with all its dependencies, to the King of Great Britain : Moreover, his most Christian Majesty cedes and guarantees to his said Britannic Majesty, in full right, Canada, with all its dependencies, as well as the

island of Cape Breton, and all the other islands and coasts in the gulf and river St Lawrence; and, in general, every thing that depends on the said countries, lands, islands, and coasts, with the sovereignty, property, possession, and all rights acquired by treaty or otherwise, which the most Christian King, and the Crown of France have had till now, over the said countries, islands, lands, places, coasts, and their inhabitants.

No. XIX.

Record Translation of Grant, by Sir William Alexander, to Sir Claude St Estienne and Charles St Estienne.

Records of Suffolk County, Massachusetts, Lib. No. 3, *fo.* 265. See p. 12.

In the name of God, Amen. Know all those who these letters pattent shall see or shall heare read, that upon this present thirtie day of Aprill, in the yeare of our Lord one thousand sixe hundred and thirtie, before me, Josh. Maynet, notary and tabellion royall, dwelling in London, admitted and sworne by the authoritie of our sovereign lord the King, and in the presence of the witnesses hereunder named, were present in person, my Lord William Alexander, Knight, Lord of Menstrie, and Chief Secretary of State for the Kingdome of Scotland for his said Majestie of Great Bretany, Privy Councillor of State, and Lieutenant unto his said Majestie in New Scotland in America, on the one parte, who haveing, by letters-pattents from his said Majestie, under the Great Seale of Scotland, the donation of all the said countrey of New Scotland, called by the French the countrey of Accadye in America, unto him and his heyres in fief and perpetuall inheritance, bearing date the tenth of the moneth of September, in the yeare one thousand six hundred twenty and one, he hath, out of the respect and amitie which he beareth unto Sir Claude de Sainct Estienne, Knight, Lord of la Tour and of Vuarre, and unto Charles de Sainct Estienne, Esq. Lord of Sainct Denicourt, his sonne, on the other part, the said Sir Claude de St Estienne being present accepting, and by these presents stipulating, for his said sonne Charles being absent, and for theire heyres, and as well for the merit of theire persons, and for theire assistance to the better discovery of the said countrey, and upon other consideracons, the said Lord Alexander hath given, and by these presents franckly and freely doth give unto the said Knight De la Tour, and unto his said sonne, and unto theire heyres, they seeing cause perpetually and for ever to dispose of, as of theire own property, true and loyall acquest and conquest, all the countrey, coasts, and islands, from the cape and river of Ingogon, nere unto the Cloven Cape, (Cap Fourchu,) in the said New Scotland, called the coast and countrey of Accadye, following the coast and islands of the said countrey towards the east, unto Port De la Tour, formerly named l'Omeroy, and further beyond the said Port, following along the said coast unto Mirliguesche, (*hod.* Lunenburg,) nere unto, and beyond the Port

and Cape of L'Heve, drawing forward fifteen leagues within the said lands towards the north, of all the which said lands and seas, the said Knight De la Tour and his sonne, shall receive all the fruits, profits, emoluments, that may provene generally, and whatsoever, as of theire owne proper and loyall acquest, in all right and jurisdiction, and priviledges whatsoever, as much or more then any Marquiss, Erle, or Baron holds, or rayseth from the Crowne of Scotland according to the laws or letters pattents unto the said Lord Alexander, and unto them graunted by the Kings of Scotland, within the which countrey, lands, and seas above named, they may make, build, and erect villages, townes, and castles, and fortresses, as they shall see good, which said Knight De la Tour, and his said sonne shall hold and enjoye, all the said countrey here above, within the said limits named, from the King and the succession of the said Crowne of Scotland in fief and title of honour and right of inheritance, (which) the said Sir William Alexander to them, by vertue of the power to him by the said pattents given, hath erected and entitled by two barronies, namely, the Barrony of Sainct Estienne, and the Barrony of De la Tour, which may be limitted and bounded equally betweene the said Knight De la Tour and his said sonne, if they shall see cause, upon condition that the said Knight De la Tour and his said sonne, as he hath promised, and for his said sonne by these presents doth promise, to be good and faithfull vassalls of the said Soveraigne Lord, the King of Scotland, and theire heyres and successors, and to give unto him all obedience and assistance to the reduceing of the people of the said countrey, and to entertaine good amitie and correspondencie with the said Lord Alexander and his heyres, and all his subjects which there shall be planted and resident, and shall maintaine good and faithfull societie and union, and the respect due unto the said Lord Alexander, as unto the Lieutenant of the King, the said Lord Alexander promiseing also on his part, amitie, societie, correspondency, assistance, and protection from his said Majestie, and from himselfe his Lieutenant. Furthermore, and over and above, the said Lord Alexander graunteth unto the said Knight De la Tour and unto his said sonne, and unto theire heyres and successors, and assignees, for ever, the right of admiraltie in all the extent of theire said lands and limitts; the said Lord Alexander and Knight De la Tour to hold and fulfill the contents of what is above, without ever in any sort whatsoever violating thereof, and upon the obliging of all theire goods present and to come upon the penaltie of the ordinances appointed by the lawes established on the one part, and the other, to the viclater hereof; the said Lord Alexander promiseing, over and above, to make, or cause to be made, more ample writing in good and due forme, according and conformably unto the said letters pattents unto him graunted by his said Majestie, whereof a coppy collationed with the originall shall be given unto the said Knight De la Tour and his said sonne. And the said Lord Alexander shall cause these presents to be agreed unto, and ratified by his said Majestie under the Great Seale of Scotland, if need shall require. In witness of the truth hereof, there are two writings of the same tenor made and indented, which each partie hath respectively signed, sealed, and delivered. This

made and passed in *Martin's Lane*, nere unto this cittie of *London*, in the presence of Sir Alexander Strachan Baronet of Thornton, George Angush, Peter, James, and Richard Grimes, witnesses hereunto called and admitted.

(Signed.) W. ALEXANDER. A little seal.

A. Strachan
Rich. Grames
The mark A of
George Angush

Peter James

In testimony of the premises, I, the above named notary, being required, have signed this present instrument with my manuall usuall signe. I doe approve of these words, (theire heyres and Rich. Grimes,) being interlined.

A great seale in green wax affixed, and pendant below.

Endorced.

Wee, the under signers, doe certifie, that Josh. Maynet, who hath undersigned this instrument here before written, with his owne hand, is a Notary Royall dwelling in London, by the authoritie of the King, our Soveraigne, sworne and admitted, and that full faith and credit ought to be given both in judgement and out of the same, unto the acts, instruments and other writings, by him so undersigned. Made at London the 30th day of Aprill, 1630.

(Signed) Carolus Demetrius, Not. Pub.
Tho. De Wainter, Not Pub.

This deede before mentioned, being translated, hath beene read and compared with the originall in French by me, and I find it no way differing in substance therefrom. 27. 6. 1659. (27th Augt.)

(Signed) Jo. Endecott, Governor.

[The foregoing Record has not the signature of the person of whom it is certified, that he is a "Notary Royall;" but the Record of "the originall in French," (which now is hardly, if at all, legible, on account of the peculiarity of the orthography, and numerous contractions,) is signed Joshua Maniet, Not. Pub. Cur. 1630.]

(*Hazard's Collections*, p. 307.)

No. XX.

Patent by which John Browne, younger of the Neale, was created a Baronet of Nova Scotia, by William Viscount Stirling. 17th June, 1636. See p. 12.

We, William Viscount Stirling, &c. Proprietor of the country of New Scotland and Canada, and his Majesty's Lieutenant within the same, Forasmuch as by the feoffment granted to me by our late Sovereign, King James, and by our Sovereign, King Charles, I have full power to dispose of any part thereof to such as do undertake to plant there; and understanding the willingness of John Browne, Esquire, eldest son to Josias Browne, of the Neale, in Ireland, for the advancement of the said plantation, we have granted unto the said John Browne, and to his heirs male, lawfully descended of his body, that part of the said country of New Scotland bounded as follows: Beginning twelve miles from the northernmost part of the Island Anticosti, within the gulph of Canada, extending westward along the north side of the island six miles, and from thence northward, keeping always three miles in breadth; to have the salmon, and other fishings, as well in salt as fresh water: And I do hereby incorporate the said proportion of land into a free barony and regality, to be called, in all times, the Barony and Regality of NEALE, To hold the same, by the yearly payment of one penny, usual money of Scotland; And whereas, I have full power and authority granted to me by his Majesty, to confer titles of honour within the said country of New Scotland, upon all persons concurring to the advancing of the said plantation thereof, I do confer upon the said John Browne, and his heirs male, lawfully descended, or to be descended, of his body, the hereditary dignity and style of Baronet of New Scotland, with all and sundry prerogatives, privileges, precedencies, conditions, and others, whatsoever, that any Baronets of Scotland or New Scotland have had at any time granted to them: And we give and grant unto the said Sir John Browne license to wear and carry an orange tawny ribbon, the badge of a Baronet of New Scotland, bearing the arms of New Scotland in gold enamelled, with the crown royal above, and this circumscription, *Fax Mentis Honestæ Gloria.*

Sealed with the Great Seal of New Scotland, 21st June, 1636.

(*Collins' Peerage of England—Sir Egerton Brydges' Continuation.* Vol. 9, p. 276.)

No. XXI.

Act Ratifying and Approving the Treaty of Union of the two Kingdoms of Scotland and England.

JANUARY 16, 1707.

See page 13, as to Privilege of export and import.

VI. ARTICLE. That all parts of the United Kingdom, for ever from and after the Union, shall have the same allowances, encouragements, and drawbacks, and be under the same prohibitions, restrictions, and regulations of trade, and liable to the same customs and duties on import and export; and that the allowances, encouragements, and drawbacks, prohibitions, restrictions, and regulations of trade, and the customs and duties on import and export, settled in *England* when the Union commences, shall, from and after the Union, take place throughout the whole United Kingdon, excepting and reserving the duties upon export and import of such particular commodities from which any persons, the subjects of either kingdom, are specially liberated and exempted by their private rights, which after the Union are to remain safe and entire to them in all respects as before the same.

XVIII. That the laws concerning regulation of trade, customs, and such excises to which *Scotland* is, by virtue of this treaty, to be liable, be the same in *Scotland*, from and after the Union, as in *England*; and that all other laws in use within the kingdom of *Scotland*, do after the Union, and notwithstanding thereof, remain in the same force as before, (except such as are contrary to, or inconsistent with, this treaty,) but alterable by the Parliament of *Great Britain*; with this difference betwixt the laws concerning public right, policy, and civil government, and those which concern private right, that the laws which concern public right, policy, and civil government, may be made the same throughout the whole United Kingdom, but that no alteration be made in laws which concern private right, except for evident utility of the subjects within *Scotland*.

(*Acts of Parliament.*)

No. XXII.

Description of the Offices granted by the Charters of Nova Scotia.
See pp. 12, 13.

His Majesty's Lieutenant-General — Lord Lieutenant, Viceroy, and General Governor of the country and its Inhabitants; having the executive authority in all matters, civil, military, &c.

Justice-General — President of the Supreme Criminal Court.

High-Admiral — His Majesty's Lieutenant and Justice-General upon the seas, and in all ports, harbours, or creeks of the same, and upon fresh waters or navigable rivers below the first bridges, or within the flood marks. 1681, c. 16.

Lord of Regality — Grantee from the King of rights of lands subject to a special and extraordinary jurisdiction, in contradistinction to lands subject to the regular and ordinary administration of justice by Sheriffs.

Steward — Having the care of the official persons serving immediately under the Crown.

Chancellor — Is by Act of Parliament, and in virtue of his office, to preside in all public judicatories where he is present, the Exchequer excepted. 1661, c. 1.

Treasurer — Was declared, 1663, President of the Court of Exchequer. He is to receive the casualties arising to the King, either as Sovereign, or as feudal Superior.

Comptroller — An officer of the Exchequer; to levy the rents of the Crown lands, borough rents and customs, and examine the Sheriffs' accounts.

Collector—(Of the New Augmentations.)—Another officer of the Exchequer.

Secretary — (Of the Province)

Advocate or Attorney-General — Public Prosecutor.

Clerk-Register — Keeper of the Public Records.

Justice-Clerk — President of the Supreme Criminal Court, in the absence of the Justice-General.

DIRECTOR OF CHANCERY — Is to *direct* precepts upon a retour, provided they who were upon the inquest or assize depone in favour of him who raised the brieve, that the lands and tenements contained in the retour are in the hands of the King, or of another overlord, by the decease of him to whom he claims to be nearest and lawful heir. Robert III. c. 1.

CONSERVATOR or CONSERVATORS OF PRIVILEGES—of the privileges of merchants of Nova Scotia. This Officer's jurisdiction was manifestly intended to be according to the pattern of the Court of the Conservator of Scots Privileges at Campvere, in the Low Countries. The latter was to " have jurisdiction to do justice among merchants, our Sovereign Lord's lieges, that is to say, betwixt merchant and merchant, in parts beyond sea; and that the said conservator proceed not upon any matters, but if there be six of the best and most honest merchants of most knowledge of the realm, they shall sit and have power with him, and if there be not to the number of six, that there sit four merchants with him at the least, that shall have such like power with him to minister justice; and that no merchant pursue another before another judge beyond the sea, under the pain of £5, to be paid to the King by the pursuer, and payment of the expenses to the party pursued." 1503, c. 81.

" All clerks of the cocquet shall particularly expreeme (express) and specify in the cocquets given by them, the particular quantities of the goods and merchandises; the special kinds and sorts thereof; the names of the merchants and owners of the same; how much of the same goods pertains to each merchant; and that the conservator in the Low Countries do not admit or allow any cocquet, except it be written and formed in manner foresaid, but shall confiscate all the said goods not expreemed particularly as said is, and make count and reckoning thereof yearly to the treasurer, as he will answer upon his office." 1597, c. 259.

" The conservator shall fence and arrest all ships not having a cocquet, or not having a cocquet formally written, and escheat the whole goods and gear being in the said ship to our Sovereign Lord's use, and make count thereof yearly in the Exchequer to the treasurer." 1597, c. 260.

" The conservator shall not receive or admit any cocquet, although the same be lawfully given, except the merchants, skippers, factors, and every one of them, before the loosing of any of their goods, make faith, and swear solemnly by God himself, his Creator, that he has no forbidden goods or gear, nor any other lawful merchandises, besides that which is contained in the cocquet, nor knows of any to be in the same ship pertaining to others, and that, so far as he understands, the whole goods and gear pertain properly to freemen, and no part thereof to unfreemen: As also, at their back returning from the Low Countries towards Scotland, they shall likewise give their solemn oaths, before the lading of the ship, or inputting of any goods, that the goods properly pertain to themselves, and not to strangers; and if they loose any goods and gear coming from Scotland, before the giving of the said oath, or put any goods in ship board to be transported towards

Scotland, all the same goods to be confiscated; and if the said oath be refused by them all, and they no wise will make the same, it shall be leasum (allowable) to the conservator to arrest the said ship, and all the goods contained therein; and if some make oath, and others refuse, he shall arrest all goods pertaining to the party refusing, and make count thereof as said is; and whatsoever goods are not contained in the cocquet, to be confiscated as said is." 1597, c. 261.

"Every particular merchant coming forth of the Low Countries to this realm, shall give up to the conservator the special quantity of his goods, and the quality thereof, before the embarking of the same goods, under the pain of confiscation thereof; and the conservator to inspect and try the same at his pleasure, to the effect that he may send home a cocquet of the same, particularly to his Majesty's treasurer, subscribed by himself or his deputy, for eschewing of the fraud which may be used towards his Majesty in his customs." 1597, c. 264.

"An incorporation shall be made of this nation and privileges thereof, specially ordaining, that whatsoever person resident or remaining within the parts foresaid, (the parts of the Low Countries where this nation keeps their staple,) intending to use factory or any other trade with the said nation, and willing to enjoy the fruit and commodity of the said privileges, in whole or in part, shall give his oath of obedience to the King's Majesty and his laws, before his Highness's conservator, resident in the said Low Countries, and shall pay, for his entry, to the King's Majesty's use, ten pounds Flemish: As also, shall be ready to underlie (submit to) all such charges and commandments, as shall happen to be directed and come from his Highness, in the same form and manner as if they were dwelling in Scotland; and who refuse to give the said oath, and pay the said entry, that they shall be called by the said conservator, and upon their refusal or delay, deprived to have, or enjoy thereafter, any benefit of his Majesty's subjects; and that none of his Highness's subjects have trade, traffick, or use of factory, with any the persons so deprived thereafter, under the same pain." 1579, c. 96.

No. XXIII.

An Act for making more effectual provision for the government of the Province of Quebec in North America. 14 Geo. III. cap. 83. See p. 18.

Section 3. Provided always, and be it enacted, that nothing in this act contained shall extend, or be construed to extend, to make void, or to vary, or alter any right, title, or possession, derived under any grant, conveyance, or otherwise howsoever, of or to any lands within the said province, or the provinces thereto adjoining, but that the same shall remain, and be in force, and have effect, as if this act had never been made.

(*Statutes at large.*)

No. XXIV.

Grant by James Farrett, deputy of the Earl of Stirling, to Thomas Mayhew, elder and younger, of Nantucket Island. See p. 21.

THESE presents do witness, that I, James Farrett, gentleman, who was sent over unto these parts of America by the Honourable Lord Sterling, with a commission for the ordering and disposing of all the lands that lie between Cape Cod and Hudson's river, and have hitherto continued my agency without any contradiction, do hereby grant unto Thomas Mayhew, of Water Town, merchant, and to Thomas Mayhew, his son, free liberty and full power to them and their associates to plant and inhabit upon Nantucket, and two other small islands adjacent,* and to enjoy the said islands to them, their heirs, and assigns for ever; provided that they, the said Thomas Mayhew, and Thomas Mayhew, his son, or either of them, or their associates, do render and give yearly unto the Honourable the Lord Sterling, his heirs and assigns, such an acknowledgment as shall be thought fit by John Winthrop the elder, Esquire, or any two Magistrates in the Massachusetts Bay, being chosen for that end and purpose by the Honourable Lord Sterling or his deputy: And by the said Thomas Mayhew, and Thomas Mayhew, his son, and their associates, it is agreed, that the government that the said Thomas Mayhew, and Thomas Mayhew, his son, shall set up there, shall be such as is now established in the Massachusetts aforesaid; and that the said Thomas Mayhew, and Thomas Mayhew, his son, and their associates, shall have as much privilege, touching their planting inhabitants, and enjoying of all and every part of the premises, as by patent is granted to the patentees of the Massachusetts aforesaid, and their associates. In witness whereof, I, the said James Farrett, have hereunto set my hand and seal, this 13th day of October, 1641.

(Signed) JAMES FARRETT. (L. S.)

Signed, sealed, and delivered
in presence of us,
Robert Carne.
Nicholas Davinson.
Robert Stileman.

(*Records of Town of Nantucket.*)

*. The islands of Tuckanuck and Muskeget, lying between Nantucket and Martha's Vineyard.

No. XXV.

Patent by King Charles the Second of England and Scotland to his Royal Highness, James, Duke of York, of the Province of New York. See p. 21.

CHARLES the Second, by the grace of God King of England, Scotland, France, and Ireland, Defender of the Faith, &c. To all to whom these presents shall come, Greeting: Know yee that we, for divers good causes and considerations, us thereunto moveing, have, of our speciall grace, certaine knowledge and meer motion, given and graunted, and by these presents, for us, our heires and successors, do give and graunt unto our dearest brother James, Duke of Yorke, his heires and assignes, all that part of the Maine land of New England, beginning att a certaine place called or knowne by the name of St Croix, next adjoining to New Scotland, in America, and from thence extending along the sea coast unto a certaine place called Petnaquine or Pemaquid, and so up the river thereof to the furthest head of the same, as it tendeth northwards, and extending from thence to the river of Kenebeque, and so upwards by the shortest course to the river Canada northwards; and also all that island or islands commonly called by the severall name or names of Meitowacks or Long Island, scituate, lying and being towards the west of Cape Codd and the Narrhaghgansetts, abutting upon the Maine land between the two rivers there called or knowne by the severall names of Conecticott and Hudson's river, together also with the said river called Hudson's, and all the land from the west side of Conecticott to the east side of Delaware Bay; and also all those several islands called or knowne by the name of Martin's Vineyards, and Nantukes, otherwise Nantuckett, together with all the lands, islands, soyles, rivers, harbours, mines, mineralls, quarryes, woods, marshes, waters, lakes, fishing, hawking, hunting, and fowling, and all other royall profitts, commodities, and hereditaments to the severall islands, lands, and premisses belonging and appertaining, with their and every of their appurtenances, and all our estate, right, title, interest, benefitt, advantage, claime, and demand of, in, or to the said lands and premisses, or any part or parcell thereof, and all the reversion and reversions, remainder and remainders, together with the yearly and other the rents, revenues, and other profitts of all and singular the said premisses, and of every part and parcell thereof, To have and to hold all and singular the said lands, islands, hereditaments and premisses, with their and every of their appurtenances hereby given and graunted, or herein before mentioned to bee given and graunted unto our dearest brother James, Duke of Yorke, his heires and assignes, for ever, to the only proper use and behoofe of the said James, Duke of Yorke, his heires and successores, as of our mannor of East Greenwich, in our county of Kent, in free and common soccage, and not *in capite*, nor by knight service: Yeilding and rendring, and the said James, Duke of Yorke, doth, for

himself, his heires and assignes, covenant and promise to yeild and render unto us, our heires and successors, of and for the same yearly, and every year, forty beaver skinns, when they shall be demanded, or within ninety days after: And wee do further of our speciall grace, certaine knowledge, and meer motion, for us, our heires and successors, give and graunt unto our said dearest brother James, Duke of Yorke, his heires, deputies, agents, commissioners, and assignes, by these presents, full and absolute power and authority to correct, punish, pardon, governe, and rule, all such the subjects of us, our heires and successors, as shall from time to time adventure themselves to any of these parts or places aforesaid, or that shall or doe att any time hereafter inhabitt within the same, according to such laws, orders, ordinances, directions, and instructions as, by our said dearest brother or his assignes, shall be established, and in defect thereof, in cases of necessity, according to the good discretions of his deputies, commors, officers, or assignes, respectively, as well in all cases or matters capitall and criminall as civill, both marrine and others, so always as the said statutes, ordinances, and proceedings be not contrary to, but as neer as conveniently may bee agreable to the lawes, statutes, and governments of this our realme of England, and saveing and reserving to us, our heires and successors, the receiveing, heareing, determining, of the appeale and appeales of all or any person or persons of, in, or belonging to the territoryes or islands aforesaid, in or touching any judgment or sentence to bee there made or given: And further, that it shall and may be lawfull to and for our said dearest brother, his heires and assignes, by these presents, from time to time, to make, nominate, constitute, ordaine, and confirme, by such name or names, stiles or stile, as to him or them shall seeme good; and likewise to revoke, discharge, change, and alter as well all and singular governours, officers, and ministers, which hereafter shall bee by him or them thought fitt and needfull to be made and used within the aforesaid parts and islands. And also, to make, ordaine, and establish his manner of orders, lawes, directions, instructions, formes, ceremonyes of government and magistracy, fitt and necessary for and concerning the government of the territoryes and islands aforesaid, so alwayes as the same be not contrary to the lawes and statutes of this our realme of England, but as neer as may be agreeable thereunto; and the same att all times hereafter to put in execution, or abrogate, revoke, or change, not only within the precincts of the said territoryes or islands, but also upon the seas, in goeing and comeing to and from the same, as hee or they, in their good discretions, thinke to be fittest for the good of the adventurers and inhabitants there: And wee doe further of our speciall grace, certaine knowledge, and meer motion, graunt, ordaine, and declare, that such governours, officers, and ministers, as from time to time shall be authorised and appointed in manner and forme aforesaid, shall and may have full power and authority to use and exercise marshall law, in cases of rebellion, insurrection, and mutiny, in as large and ample manner as our lieutenants in our counties within our realme of England have, or ought to have, by force of their commission of lieutenancy, or the law or statutes of this our realme: And wee doe

further, by these presents, for us, our heires and successors, graunt unto our said dearest brother James, Duke of Yorke, his heires and assignes, in his or their discretion, from time to time, to admitt such, and so many person or persons, to trade, trafficke unto and within the territoryes and islands aforesaid, and into every, or any part or parcell thereof, and to have, possesse, and injoy any lands or hereditaments in the parts and places aforesaid, as they shall thincke fitt, according to the lawes, orders, constitutions, and ordinances, by our said brother, his heires, deputies, commissioners, and assignes, from time to time, to be made and established by virtue of, and according to the true intent and meaning of these presents, and under such conditions, reservations, and agreements, as our said dear brother, his heires or assignes, shall sett, ordaine, order, direct, and appoint, and not otherwise, as aforesaid : And wee do further of our speciall grace, certaine knowledge, and meer motion, for us, our heires and successores, give and graunt to our said dear brother, his heires and assignes, by these presents, that it shall and may be lawfull to and for him, them, or any of them, att all and att every time and times hereafter, out of any our realmes or dominions whatsoever, to take, leade, carry, and transport, in and unto theire voyages for and towards the plantations of our said territoryes and islands, all such and so many of our loveing subjects, or any other strangers, being not prohibited or under restraint, that will become our loveing subjects, and live under our allegiance, or shall willingly assist them in theire said voyages, together with such cloathing, implements, furniture, and other things useally transported, and not prohibited, as shall be necessary for the inhabitants of the said islands and territoryes, and for their use and defence thereof, and mannaging and carrying on the trade with the people there, and in passing and returning to and fro, yeilding and paying to us, our heires and successores, the customes and dutyes therefor due and payable according to the lawes and customes of this our realme : And wee doe also, for us our heires and successors, graunt to our said dearest brother James, Duke of Yorke, his heires and assignes, and to all and every such governor or governors, or any other officers or ministers, as by our said brother, his heires and assignes, shall be appointed to have power and authority of government and command in or over the inhabitants of the said territoryes or islands, that they and every one of them shall, and lawfully may, from time to time, and att all times hereafter for ever, for their severall defence and safety, encounter, expulse, and resist, by force of armes, as well by sea as by land, and all wayes and meanes whatsoever, such person and persons as, without the licence of our said deare brother, his heires and assignes, shall attempt to inhabit within the several precincts and limits of our said territoryes and islands, and also, all and every such person and persons whatsoever, as shall interfaire or attempt, att any time hereafter, the destruction, invasion, detriment, or annoyance to the parts, places, or islands aforesaid, or any part thereof: And lastly, our will and pleasure is, and wee doe hereby declare and graunt, that these our letters pattents, or the inrollment thereof, shall be good and effectual in the law, to all intents and purposes whatsoever, notwith-

standing the not reciting or mentioning of the premisses, or any part thereof, or the meeths and bounds thereof, or of any former or other letters pattents or graunts heretofore made or graunted of the premisses, or of any part thereof, by us, or any of our progenitors, unto any other person or persons whatsoever, bodyes politique or corporate, or any act, law, or any other restraint, incertainty, or imperfection whatsoever, to the contrary in any wise notwithstanding, although expresse mention of the true yearly value or certainty of the premisses, or of any of them, or of any other gifts or graunts by us, or of any of our progenitors or predecessors heretofore made to the said James, Duke of Yorke, in these presents is not made, or any statute, ordinance, provision, proclamation, or restriction, heretofore, had, made, enacted, ordained, or provided, or any other matter, cause, or thing whatsoever, to the contrary hereof, in any wise notwithstanding. In witness whereof, wee have caused these our letters, to be made pattents. Witnesse ourselfes att *Westminster*, the 12 day of March, in the 16th year of our reign. (1664.)

By the KING
(Signed) HOWARD.

(*Historical Library, New York. Stirling MSS. and Papers.*)

No. XXVI.

Memorandum in respect to the Lands in Maine. See p. 22.

AMOUNT of sales and grants of lands from 1791 to 1st June, 1813:—

Sold, 3 millions, 790,381 acres, for D.1,085,915, 62 cents, after deducting D.55, 281, 71 cents for expenses, producing, on an average, 28 cents per acre.

Granted to colleges and academies, &c. 969,794 acres.

Total, 4,760,175 acres.

Remaining reserved, about 8,646,000 acres.

Much the largest quantity, and the best of the public lands, are situate about the head waters of the Kenebeck and Penobscot rivers, and in the neighbourhood of the British settlements on the St John's and Chaudier rivers.

(*Commonwealth of Massachusetts*, 1814. *Report from the Committee on the Management of the Lands in Maine.*)

No. XXVII.

Grant by James Farrett, deputy of the Earl of Stirling, to Lieutenant Gardiner, of Gardiner's Island. See p. 23.

KNOW all men whom this present writing may concern, that I, James Farrett, of Long Island, gent. deputy to the Right Honourable the Earle of Starling, secretary for the kingdome of Scotland, doe, by these presents, in the name and behalfe of the said Earle of Starling, and in my owne name also as his deputy, as it doth or may concerne myselfe, give and grant free leave and liberty to Lion Gardiner, his heirs, executors, and assignes, to enjoy that island which hee hath now in possession, called by the Indians, Manchonack; by the English, the Isle of Wight; I say, to enjoy both now and for ever; which island hath been purchased before my coming, from the auncient inhabitants, the Indians; nevertheless, though the said Lion Gardiner had his possession first from the Indians before my coming, yet is hee now content to hold the tenor and tytle of the possession of the aforesaid island from the Earle of Starling, or his successors whomsoever, whoo hath a grant from the King of England, under the great seale of the aforesaid kingdome: Be it knowne, therefore, that I, the said James Farrett, doe give, and hath given, free liberty and power to the said Lion Gardiner, his heirs, executors and assignes, and their successors for ever, to enjoy the possession of the afforesaid island, to build and plant thereon as best lyketh them, and to dispose thereof as they thinke fitt, and alsoe to make, execute, or put in practize, such lawes for church and civil government as are according to God, the King's, and practize of the country, without giving any accompt thereof to any whomsoever; and the afforesaid right and title both of land and government to remayne with and to them and to their successors for ever, without any trouble or molestation from the said Earle, or any his successors, for now and ever: And forasmuch as it has pleased our royal King to give the pattent of Long Island to the afforesaid Earle of Starling, in consideration whereof, it is agreed upon, that the trade with the Indians shall remayne with the said Earle and his successors, to dispose upon from time to time, and at all times as best liketh him, notwithstanding the said Lion Gardiner, to trade with the Indians for corne, and any kind of victuals, for the use of the plantation, and no further; and if the said Lion Gardiner shall trade in wampom from the Indians, he shall pay for every fadome twenty shillings; as also, the said Lion Gardiner, and his successors, shall pay to the said Earle, or his deputies, a yearly acknowledgement, being the sum of five pounds (being lawfully demanded) of lawful money of England, or such commodities as at that time shall pass money in the country, and the first payment to begin upon the last of

October, 1643, the three former years being advanced for the use of the said James Farrett. In witness whereof, the party has put his hand and seale, the 10 day of March, 1639, (1640.)

(Signed,) JAMES FARRETT, (L. S.)

Sealed and delivered, in the presence of
FULK DAVIS,
BENJAMIN PRICE.

(*M.S. Book, in the possession of David Johnson Gardiner, Esq.*)

No. XXVIII.

Patent by Governor Nicolls to David Gardiner, of Gardiner's Island. See p. 23.

RICHARD NICOLLS, Esquire, Governor under his Royal Highness, James, Duke of York, of all his territories in America, To all to whom these presents shall come, Greeting, Whereas there is a certain island lying to the north of East Hampton, in the East Riding of Yorkshire, upon Long Island, formerly called by the name of Manchonack by the Indians, and by the English the Isle of Wight, and now commonly known by the name of Gardiner's Island, which said island was heretofore purchased from the Indians by Lyon Gardiner, deceased, and was likewise conveyed unto him by graunt from James Farrett, agent for the late Earl of Stirling, upon such terms and conditions as in the said graunt is expressed, — Now know ye, that, by virtue of commission and authority given unto me by his Royal Highness the Duke of York, I do hereby confirm and graunt unto David Gardiner, son and heir of Lyon Gardiner, deceased, the said island, &c &c. rendering and paying unto the present governor under his Royal Highness, and his successors, at New York, the sum of £5 yearly, &c. &c.

At *New York*, the 5th day of October, 1665.

(Signed,) RICHARD NICOLLS.

(*Records of the Notary Public of the Massachusetts Colony.* Vol. V. pp. 181, 182.)

No. XXIX.

Grant by James Farrett, deputy of the Earl of Stirling, to Daniel How, and others, of South Hampton, in Long Island. See p. 23.

KNOW all men, whom this present writeing may concerne, That I, James Farrett, of Long Island, gent. deputy to the Right Honourable the Earle of Starling, secretary for the kingdom of Scotland, doe by these presents, in the name and behalf of the said Earle, and in mine owne name allso as his deputy, as

it doth or may any way concerne myself, give and grant free leave and liberty to Daniel How, Job Sayrs, George Willby, and William Harker, together with their assosiates, to sitt down upon Long Island afforesaid, there to possess, improve, and enjoy eight miles square of land, or soe much as shall contain the said quantity, not only upland, but alsoe whatsoever meadow, marish ground, harbours, rivers, and creeks lye within the bounds or limitts of the said eight miles, the same and every part thereof quietly and peaceably to enjoy, to them and theire heyres for ever, without any disturbance, lett, or mollestation from the said Earle, or any by his appoyntment or procurement for him, or any of his; and that they are to take theire choise to sit down upon as best lyketh them; and allsoe that they and theire assosiates shall enjoy as full and free liberty in all matters that doe or may concerne them or theires, or that may conduce to the good and comfort of them and theires, both in church order and civill government, together with all other easements, conveniences, and accommodations whatsoever, which the said place doth or may afford, answerable to what other plantations enjoy in Massachusetts Bay. But inasmuch as it hath pleased our royall King to give and grant the pattente of Long Island to the afforesaid Earle, in consideration thereof it is agreed uppon, that the trade with the Indians shall remaine to the said Earle of Starling, to disspose of, from time to time, and at all times, as best lyketh him, onely the aforesaid Daniel How and his copartners shall have liberty to make choise of one man amongst them that shall freely trade with the Indians, in their behalf, for any victuals within theire owne plantation, but not for wampam; and if any of the afforesaid persons, or any for them, shall secretly trade with the Indians for wampam, whether directly or indirectly, without leave or licence from the said Earle or his assignes, the person or persons soe offending, shall pay, for every fathom soe traded, to the said Earle or his assignes, the sume of twenty shillings: Further, it is agreed uppon, that whatsoever shall be thought meete by the right worshipful John Winthrop, Esq. governor of the Massachusetts Bay, to bee given to the Earle of Starling in way of acknowledgement as the patentee of the place, shall be duely and truely paid: Furthermore, it is agreed upon, that noe man shall, by vertue of any gift or purchase, lay any claime to any land lying within the compass of the eight miles before mentioned, but onely the afforesaid inhabitants shall make purchase in theire owne names, at theire owne leisure, from any Indians that inhabbit, or have lawfull right to, any of the aforesaid lands, all or any part thereof, and thereby assure it to themselves, and theire heyres, as their inheritance for ever. In witness whereof, we have hereunto set our hands and seales the 17 day of April, 1640.

Memorandum.

That the trew meaning of Mr Farrett is, that whereas hee hath formerly purchased sartaine lands in Long Island for the Earle of Starling or himself, that hee doth, by these presents, fully release all claime and interest in the land above-

mentioned, or persons that shall sitt downe upon it, with all title to government, whether in church or in comonwealth ; all which is to be clearly and fully drawn up according to the trew meaning of this agreement, when things shall bee settled and concluded by the right worshippful John Winthrop above mentioned.

JAMES FARRETT, (seale.)

Sealed and delivered
in the presence off
Theoph. Eaton,
John Davenport.

I John Winthrop, within named, having seriously considered of that within this writeing is referred to my determination, although I am very unwilling to take it upon me, and as unfit alsoe, the rather being to seeke of any rule or approved presedent to guide mee herein, yet being called hereunto, I shall express what I conceive to bee equal upon the considerations here insueing, viz. — The land within granted being a meere wilderness, and the natives of the place pretending some interest which the planters must purchase, and they might have had land enough *gratis* (and as convenient) in the Massachusetts, or other of the collonies, with liberty to trade with the Indians, (which they are here debarred from,) and for that they had possessed and improved this place before any actuall claime made thereto by the Right Honourable the Earle of Starling, or had any knowledge of his Lordship's pattent ; and whereas his Lordship, in consideration, I suppose, of the premisses, requires nothing of them but in way of acknowledgement of his interest, I doe hereuppon conceive, and doe accordingly (soe farre as power is given mee) order and sette downe, that the inhabitants of the tract of land within mentioned, or the plantation now called Southampton upon Long Island, and theire successours for ever, shall pay yearly to the said Earle of Starling, his heyres or assignes, upon the last day of September, at Southampton afforesaid, foure bushells of the best Indian corne there growing, or the value of soe much, in full satisfaction of all rents and services, (the fifth part of gold and silver ore to the King's Majestie reserved allwayes excepted.) In testimony whereof, I have hereunto set my hand.

Dated 20. 8. 1640. (20th October.)

(Signed) JOHN WINTHROP.

(*Records Suffolk County, Long Island,*)

No. XXX.

Remonstrance of the Inhabitants of South Hampton against the order requiring them to take out a new patent. See p. 23.

To the Governor.

South Hampton, Feb. 15, 1670.

Honourable Sir,—We, the inhabitants of this town, do hereby present unto you our humble service, &c., to shew our respect to your honour's pleasure, and our obedience to the order of the honourable Court of Assize, we are bold to manifest herein unto you some reasons why we are unwilling to receive any further patent for our lands as followeth.

1st. Because, as we have honestly purchased them of the natives, (the proper and natural owners of them,) so also we have already the patent right lawfully obtained and derived from the Honourable Earl of Stirling, we being to pay one-fifth part of gold and silver ore, and four bushels of Indian corn yearly.

2dly. Because the injunction laid on persons and plantations by the laws in 1666, to take forth the patents for their lands from our then governor, we groundedly conceive intended not the plantations on this east end of the island, but only those at the west end, who were reduced from a former Government, even as heretofore, &c. &c.

Signed by Thomas Halsey, junior, and forty-nine others.

(*Silas Wood's Sketch of Long Island,* p. 107.)

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